

of Nathan C. and Hezekiah J. Winslow, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 7746) for the relief of W. T. Scoville and John Kouns, surviving partners of George L. Kouns, deceased—to the Committee on War Claims.

Also (by request), a bill (H. R. 7747) for relief of heirs of Henry A. Shadel, of Ohio and Louisiana—to the Committee on War Claims.

Also (by request), a bill (H. R. 7748) for the relief of Ammon McLaughlin, of Scioto, Ohio—to the Committee on War Claims.

By Mr. COVERT: A bill (H. R. 7749) for the relief of Alexander Stoddart, of New York—to the Committee on Claims.

By Mr. RUSSELL of Connecticut: A bill (H. R. 7750) granting a pension to Eliza F. Tucker—to the Committee on Invalid Pensions.

By Mr. SPRINGER: A bill (H. R. 7751) for the relief of John A. McClelland—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 7752) for the relief of John C. Thomas, Madison County, Ala.—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., against an income tax as affecting fraternal beneficial societies—to the Committee on Ways and Means.

By Mr. DURBOROW: Petition of James Muntan and others, employes of the Chicago Tire and Spring Company, against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

Also, petition of Clifford J. Ellis and others, of Chicago, Ill., against the passage of the Wilson tariff bill—to the Committee on Ways and Means.

Also, memorial of John M. Mott and others, of Chicago, Ill., for a national alphabet—to the Committee on Education.

By Mr. HOLMAN: Remonstrance of the Knights of Labor of Philadelphia, Pa., against the interference of the Federal Government between the employes of railroad corporations and those corporations—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Resolution of the council of the city of Greenville, Ohio, praying Congress to make an appropriation for a monument in honor of Gen. Anthony Wayne—to the Committee on the Library.

By Mr. RICHARDS: Petition of C. H. Mathews and others, citizens of New Philadelphia, Ohio, against an income tax on fraternal and beneficial orders—to the Committee on Ways and Means.

#### SENATE.

WEDNESDAY, July 18, 1894.

Prayer by Rev. ISAAC W. CANTER, of the city of Washington.

The Vice-President being absent, the President *pro tempore* took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. TURPIE, and by unanimous consent, the further reading was dispensed with.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the provisions of the act of Congress of February 16, 1889, information that there is in the War Department an accumulation of files of papers which are not needed or useful in the transaction of the current business of the Department and have no permanent value or historical interest; which, on motion of Mr. COCKRELL, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ended June 30, 1894, and for prior years, amounting to \$10,076.31, and for the Postal Service, payable from the postal revenues, \$57,985.54; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. CULLOM. I present a memorial of citizens of Chicago and Cook County, Ill., remonstrating "against the violation of

the American principle of separation of church and State which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education," etc. The memorial is extensively signed. As the appropriation bill referred to is now before the Senate, I ask that the memorial be laid on the table.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. SHERMAN. I present a petition of the Miami and Erie Canal Association, of Dayton, Ohio, praying that an appropriation be made for a canal from Lake Erie to the Ohio River.

As the petition relates to an item of appropriation in the river and harbor bill, and that bill is now in conference, I ask that the petition be referred to the committee of conference.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. SHERMAN. I also present a petition of Typographical Union No. 97, of Peru, Indiana, praying for the enactment of legislation providing for arbitration of the labor troubles. I do not know which committee has charge of the question of arbitration.

The PRESIDENT *pro tempore*. The Committee on Education and Labor, the Chair is inclined to think.

Mr. SHERMAN. I think a joint resolution on the subject was referred to the Committee on the Judiciary, and that that is the proper committee to have charge of the matter.

The PRESIDENT *pro tempore*. What committee does the Senator from Ohio suggest?

Mr. SHERMAN. The Committee on the Judiciary.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the Judiciary.

Mr. McMILLAN presented the petition of L. C. Butler and sundry other citizens of Bay City, Mich., praying that fraternal beneficiary societies, orders, or associations be exempted from the proposed income-tax provision of the pending tariff bill; which was ordered to lie on the table.

He also presented memorials of Rev. W. D. Cole and sundry other citizens of Popple; of H. M. Post and sundry other citizens of Owosso; of Rev. H. H. Andrews and sundry other citizens of Deckerville; of W. E. Holt and sundry other citizens of Bellevue, and of John Brett and sundry other citizens of Millington, all in the State of Michigan, remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc.; which were ordered to lie on the table.

Mr. DANIEL presented a memorial of sundry citizens of Norfolk, Va., remonstrating against the support of the Government in maintaining the present system of sectarian Indian education, etc., which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Territories, to whom was referred the bill (H. R. 5293) concerning leases in the Yellowstone National Park, reported it without amendment, and submitted a report thereon.

Mr. PEPPER, from the Committee on Claims, to whom was referred the bill (S. 1262) for the relief of Paul McCormick, reported it with an amendment, and submitted a report thereon.

Mr. PEPPER. I am instructed by the Committee on Claims, to whom were referred the bill (S. 1718) for the relief of Theodore Teed, his heirs, legal representatives, or assigns, and the bill (S. 700) for the relief of Theodore Teed, his heirs, legal representatives, or assigns, to report them adversely. It seems that the last-named bill was introduced during the first session of the present Congress, in August last, and Senate bill 1718, being the same bill substantially, was introduced during the present session. Both bills are reported adversely, and I move that they be postponed indefinitely.

The motion was agreed to.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1069) for the relief of the estate of Thomas Sherwin, deceased, reported it without amendment and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. ALLISON on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. BRICE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. ALLISON on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 1313) to increase the pension of John Scott, reported it without amendment, and submitted a report thereon.

Mr. BLANCHARD, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. ALLISON on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 2003) to provide for the erection of a United States bonded warehouse in the city of Atlanta, State of Georgia; and a bill (S. 2033) to provide for the erection of a United States bonded warehouse in the town of Bonners Ferry, State of Idaho.

Mr. CAREY, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 91) to provide for the printing of a digest of the laws and decisions relating to the appointment, salary, and compensation of officials of the United States courts, reported it without amendment, and moved that it be referred to the Committee on Printing; which was agreed to.

Mr. DOLPH, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 17th instant, intended to be proposed to the deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by himself March 12, 1894, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. HUNTON. I am directed by the Committee on Post-Offices and Post-Roads, to whom was recommitted the bill (S. 886) for the relief of the legal representatives of John Wightman, deceased, to report it with amendments, and submit a report thereon.

Mr. VILAS. On behalf of the minority of the committee, I beg leave to submit the views of the minority on the bill just reported by the Senator from Virginia [Mr. HUNTON]. I ask that the views of the minority may be printed, to accompany the report.

The PRESIDENT *pro tempore*. The report of the majority and the views of the minority will be received and printed, and the bill will be placed on the Calendar.

Mr. CAREY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2214) authorizing the purchase of sites for public buildings in the city of Spokane, Wash.; in the city of Cheyenne, Wyo.; in Boise City, Idaho, and in the city of Helena, Mont., reported it with amendments.

Mr. DANIEL, from the Committee on Claims, to whom was referred the bill (S. 2203) for the relief of Arthur Connell, reported it with an amendment, and submitted a report thereon.

#### MEDALS OF HONOR, DECORATIONS, ETC.

Mr. TURPIE. I am instructed by the Committee on Foreign Relations, to whom were referred the bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain; the bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela, and the bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain, to report them favorably without amendment.

I ask for the present consideration of the House bills just reported. The Senate has already passed bills which are identically the same. Those bills have gone to the other House, and it is not likely that they will be reached in that body for action. I therefore ask for the present consideration of these bills. There is no legislation in them. They simply give consent to members of the Life Saving Service to accept medals of honor and officers of the Navy to accept the decorations named. It

will take but three minutes to dispose of all of them. I ask that the bills may be considered collectively.

The PRESIDENT *pro tempore*. The three separate bills?

Mr. TURPIE. Yes, sir.

The PRESIDENT *pro tempore*. The Secretary will read by title the first bill reported by the Senator from Indiana.

The SECRETARY. A bill (H. R. 5525) authorizing John E. Johnson and others to accept medals of honor and diplomas from the Government of Spain.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senator from Indiana also asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 6424) to authorize Rear-Admiral John G. Walker and Surg. Gen. J. Rufus Tryon, of the United States Navy, to accept the decorations of the "Busto del Libertador" of the third class from the President of Venezuela.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Senator from Indiana also asks unanimous consent for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 7475) authorizing Commander C. H. Davis, United States Navy, to accept a decoration from the King of Spain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INTERNATIONAL GEODETIC ASSOCIATION.

Mr. GRAY. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 126) authorizing the President to appoint delegates to attend the meetings of the International Geodetic Association, to report it without amendment, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

#### WATTS'S PAINTING OF "LOVE AND LIFE."

Mr. GRAY. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 4734) to authorize the Secretary of State to accept for the United States of America a painting by G. F. Watts, Royal Academician, entitled "Love and Life," to report it without amendment, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

#### BILLS INTRODUCED.

Mr. WASHBURN introduced a bill (S. 2233) to authorize the construction of certain dams across the St. Louis and Cloquet Rivers, in the State of Minnesota, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VILAS introduced a bill (S. 2234) to further amend section 2399 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2235) prescribing the conditions under which cases at law or in equity which have been before the Supreme Court and are afterwards proceeding in a circuit court may be again appealed to the Supreme Court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DANIEL introduced a bill (S. 2236) for the relief of Julia A. Lewis, executrix of James Lewis, deceased, late of Frederick County, Va.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CALL submitted an amendment intended to be proposed



by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PEPPER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

J. E. JOHNSON.

Mr. KYLE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That Mr. J. E. Johnson be paid from the contingent fund of the Senate the sum of \$37.50 for services rendered as stenographer during the special proceedings of the Senate Committee on Education and Labor.

ALBERT E. REDSTONE.

Mr. PASCO submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

*Be it resolved by the Senate (the House of Representatives concurring)*, That the President be requested to return to the Senate the bill (S. 1105) for the relief of Albert E. Redstone.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. Pruden, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. 1860) to authorize Prof. Asaph Hall, of the United States Navy, to accept a gold medal from the Academy of Science of France.

An act (S. R. 72) to permit Capt. T. O. Selfridge, jr., United States Navy, to receive a decoration conferred upon him by the President of the Republic of France.

#### INVESTIGATIONS BY COMMITTEE ON INDIAN AFFAIRS.

Mr. PLATT. On the 13th instant the Senator from South Dakota [Mr. PETTIGREW] submitted a resolution providing that the Committee on Indian Affairs might visit the Lower Brule Agency in the recess, and on the 14th instant the chairman of the committee [Mr. JONES of Arkansas] submitted an amendment in the nature of a substitute for the resolution as proposed by the Senator from South Dakota. I ask that both be laid before the Senate, that they may be disposed of.

The PRESIDENT *pro tempore*. If there be no further resolutions, concurrent or otherwise, the Chair lays before the Senate a resolution coming over from a former day, which will be stated.

The SECRETARY. A resolution directing the Committee on Indian Affairs to investigate the removal of the Lower Brule Indians.

Mr. PLATT. I ask that the amendment proposed by the Senator from Arkansas, the chairman of the committee, may be read.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the resolution after the word "*Resolved*" and insert:

That the Committee on Indian Affairs be instructed, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in pursuance of such investigations to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the five nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

Mr. PLATT. I ask, in behalf of the chairman of the committee, that the amendment be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

Mr. PLATT. I now move that the resolution as amended be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

#### STATE RESERVATION OF ARID LANDS.

Mr. CAREY. Mr. President—

The PRESIDENT *pro tempore*. The morning business is concluded. The Calendar under Rule VIII being in order, the Chair recognizes the Senator from Wyoming.

Mr. CAREY. I ask the unanimous consent of the Senate for the present consideration of the bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 9, before the word "years," to strike out "three," and insert "ten;" so as to read:

That to encourage the reclamation of arid lands, and the cultivation and sale thereof in small tracts to actual settlers, there is hereby reserved, for the purposes and upon the conditions provided in this act, in each of the States to which the desert-land law of the United States is applicable, 1,000,000 acres of the surveyed public arid lands in said States, respectively, to be selected by each of said States within ten years after the passage of this act, and from the date of such selection to be thereafter withheld from other disposal, except as hereinafter provided.

The amendment was agreed to.

Mr. COCKRELL. I wish to ask the Senator in charge of the bill as to the propriety of now reserving 1,000,000 acres of land in each of these States for ten years, without the lands being designated or selected, or anything of the kind, without their being known, and giving the State ten years within which to select them.

Mr. CAREY. For the simple reason that the lands are not reserved for ten years. It is simply to enable the State, if the State sees there is an opportunity to cause a piece of land to be reclaimed, for instance, by a colony, that it can then go and make the selection of the land; but the minute the land is selected the time runs against the State, and then there is only five years for their reclamation.

Mr. COCKRELL. I understand that; but here is the point: A man wants to go and locate upon such lands as arid lands. There are a million acres already reserved.

Mr. DOLPH. He can do that at any time. The lands are not reserved until selected by the State. The bill does not prevent anybody from going and taking the lands until selected by the State, and then five years are given.

Mr. COCKRELL. The first section reads:

That to encourage the reclamation of arid lands, and the cultivation and sale thereof in small tracts to actual settlers, there is hereby reserved—

Mr. CAREY. At what point does the Senator propose to amend the bill.

Mr. COCKRELL. I want to call the Senator's attention to the language, because I know he does not want it the way it is now, for it would work a wrong. It continues:

There is hereby reserved for the purpose and upon the conditions provided in this act, in each of the States to which the desert-land law of the United States is applicable, 1,000,000 acres of the surveyed public arid lands in said States, respectively.

I suggest that there should be inserted there "said reservation to take effect when such lands are selected by said States."

Mr. CAREY. There is no objection whatever to that.

Mr. COCKRELL. Some such provision as I have suggested should be inserted at that point.

Mr. DOLPH. There is no objection to that.

Mr. COCKRELL. If that be the intention, then let that provision be inserted in the bill.

Mr. CAREY. The lands will not be tied up until the State does select them; so that the amendment may be put in at that point.

The PRESIDENT *pro tempore*. Will the Senator from Missouri indicate the exact point where he desires the amendment to be inserted?

Mr. COCKRELL. I shall do so later when the amendments of the committee have been acted upon.

The next amendment of the Committee on Public Lands was, in section 1, line 13, before the word "years," to strike out "three" and insert "five;" so as to read:

*Provided*, That any lands so reserved which shall not be reclaimed within five years from the date of their selection, as aforesaid, or as to which the State has not expended or caused to be expended the sum of \$3 per acre in works intended for the reclamation of such lands, as now required by the United States desert-land law from claimants thereunder, shall be released from such reservation and become subject to disposal as other public lands of the United States, after proclamation by the President so declaring.

The amendment was agreed to.

The next amendment was, in section 3, line 7, after the word "provided," to insert:

And where there is no adverse claimant the decision of the register and receiver as to what are arid lands shall be final.

So as to read:

Sec. 3. That all lands, exclusive of timber lands and mineral lands, which will not, without irrigation, produce some agricultural crop, shall be deemed arid lands within the meaning of this act, which fact shall be ascertained by affidavit of two or more credible witnesses, filed in the land office of the district in which such land may be situated at the time of the selection thereof, as herein provided, and where there is no adverse claimant the decision of the register and receiver as to what are arid lands shall be final.

Mr. COCKRELL. As to that amendment, I will suggest that



it would hardly be proper to let the register and receiver approve the selection, without communicating with the Commissioner of the General Land Office. I think the selection ought to be approved by the Commissioner of the General Land Office or the Secretary of the Interior, for the purpose of keeping the records straight in the Department. As a matter of course, if there be no contest about the matter, it ought to be subject to the final approval of the Department.

Mr. CAREY. The trouble about it is that the committee considered the fact that the five years commences to run against the State that undertakes this work immediately on the selection of the land. The difficulty is to get anything approved in the General Land Office. For instance, in the selection of State lands it takes from one to five years.

Mr. COCKRELL. I think that difficulty will be obviated in the near future and the work will be brought up to current date. I do not think there will be any trouble about that.

Mr. CAREY. Very well, then; let the amendment go out, though I think it is all right as it stands.

The PRESIDENT *pro tempore*. Does the Senator propose to withdraw the amendment?

Mr. CAREY. It is a committee amendment, and I think it is a good amendment.

Mr. COCKRELL. It is reversing the general policy of having everything in relation to the public lands approved in the General Land Office.

Mr. CAREY. If it were not for the two or three States that have arid lands it would be all right.

Mr. COCKRELL. I think there will be found no trouble about it. If there should be found to be any difficulty, we can remedy it by immediate legislation.

Mr. CAREY. Very well; let the amendment be disagreed to. The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee, which has been read.

The amendment was rejected.

Mr. COCKRELL. After the words "act, and," in line 10 of section 1, I move to insert the words "such reservation."

Mr. CAREY. That is satisfactory.

Mr. DOLPH. I suggest to the Senator that he also insert the words "and approval."

Mr. COCKRELL. Yes; so as to read: "from the date of such selection and approval."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 10, before the word "from," it is proposed to insert "such reservation to take effect;" and after the word "selection," in line 11, to insert "and approval;" so as to read:

To be selected by each of said States within ten years after the passage of this act, and such reservation to take effect from the date of such selection and approval, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAREY subsequently said: I move that the votes by which the bill (S. 1591) to provide for the reservation, sale, and settlement of certain lands in several of the States and Territories, was ordered to a third reading and passed, be reconsidered simply for the purpose of correcting a clerical error in the print of the bill.

The motion to reconsider was agreed to.

Mr. CAREY. I move to amend the bill in section 4, line 2, before the words "and Kansas," by striking out "Montana," and inserting "Nebraska," so as to read:

That this act shall also apply to the States of Nebraska and Kansas, and to the States that may be formed out of the Territories of Arizona, New Mexico, Oklahoma, and Utah, when admitted, etc.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### METROPOLITAN RAILROAD COMPANY.

Mr. McMILLAN. I ask unanimous consent for the present consideration of the bill (H. R. 6171) to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company.

I will state that this is a very important bill for the District of Columbia. The Metropolitan Railway Company has great difficulty, owing to the failure on their part to comply with the provisions of the law. The House of Representatives has already favorably acted upon this bill, and it seems to be very necessary that the question which has arisen in regard to the charter and to the propulsion of the cars should be settled immediately.

Therefore, I ask that the bill may be read; and as the reading proceeds, I will answer any questions that may be asked in regard to it. It is a short bill, merely amending their charter

and arranging for the company to use underground power and put on new cars.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, line 6, after the word "hereby," to insert:

Required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this act shall subject the said company to a fine of \$25 for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

So as to make the section read:

That the Metropolitan Railroad Company, incorporated under the act of Congress approved the 1st day of July, anno Domini 1864, be, and the same is hereby, required to cease to use on its lines running east and west each and every closed car that has been in use on any of its lines for three years or more, and shall substitute therefor new cars of the most approved pattern. Failure to comply with the provisions of this section within ninety days from the approval of this act shall subject the said company to a fine of \$25 for each and every day during which the company neglects or refuses to make the substitution of new cars as herein specified, which fine may be recovered by the Commissioners of the District of Columbia in any court of competent jurisdiction.

The amendment was agreed to.

The next amendment was, at the end of section 1, to insert:

SEC. 2. That the said Metropolitan Railroad Company be and the same is hereby.

In line 3 of the same section, before the word "cars," to strike out "their" and insert "its;" and in line 6, before the word "road," to strike out "their" and insert "its;" so as to read:

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated.

The amendment was agreed to.

The next amendment was, in section 2, line 8, before the words "an underground," to insert "a pneumatic or with;" so as to read:

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with a pneumatic or with an underground electric system for propulsion of such cars.

Mr. STEWART. I should like to inquire of the Senator from Michigan whether there are any cars being run in this country by pneumatic power?

Mr. McMILLAN. There have been attempts to run cars by pneumatic power, and there are experiments occasionally in the use of that system. But the bill does not provide that the company shall apply pneumatic power. It simply gives them authority to use the pneumatic system.

Mr. STEWART. I understand that, but is it not a fact that all the experiments in the use of that power, so far as this country is concerned, have been failures? Is it worth while to designate in an act a system which is a failure?

Mr. McMILLAN. I am not strenuous about the amendment. The bill only gives the railway company authority to use that power.

Mr. STEWART. It seems to me that it would be subject to criticism in that connection to require the road to adopt the pneumatic system, when there is no such power in use.

Mr. McMILLAN. I have no objection to striking out the provision in regard to pneumatic power. I think it is covered by the bill.

Mr. STEWART. The insertion of those words can not do any good. It is not a power which is used in the United States.

The PRESIDENT *pro tempore*. Does the Senator from Michigan consent that the amendment may be disagreed to?

Mr. McMILLAN. I consent.

The PRESIDENT *pro tempore*. Without objection, the amendment is rejected.

The next amendment of the Committee on the District of Columbia was, in section 2, line 8, before the word "system," to strike out "electric;" so as to read:

SEC. 2. That the said Metropolitan Railroad Company be, and the same is hereby, authorized, empowered, and required to equip and operate the lines of its cars upon and along all the streets and avenues of the cities of Washington and Georgetown, within the District of Columbia, where the lines of its road or any part thereof are now laid and operated, and as hereinafter provided, with an underground system for propulsion of such cars.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "completed," to insert "upon its north and south line;" in line 11, after the word "year," to insert "and upon its east and west



line within two years," and in line 12, before the word "approval," to strike out the words "date of the;" so as to make the proviso read:

*Provided*, That the change to an underground system shall be completed upon its north and south line within one year, and upon its east and west line within two years after the approval of this act.

The amendment was agreed to.

The next amendment was, in section 2, line 15, after the word "Square," to insert:

And also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west: *Provided*, That on the completion of the extension from Ninth street to Tenth street on Florida avenue, as herein provided for, the said company shall cease to operate that portion of its present lines which extends from Ninth street west to Seventh street west on Florida avenue, and also that portion on Seventh street west north of Florida avenue.

And in line 23, after the word "such," to strike out "completion" and insert "completions;" so as to make the additional proviso read:

*Provided*, There shall be completed an extension thereof on East Capitol street from Ninth street east to Fifteenth street east, around both sides of Lincoln Square, and also an extension from Ninth street west northwesterly on Florida avenue to Tenth street west: *Provided*, That on the completion of the extension from Ninth street to Tenth street on Florida avenue, as herein provided for, the said company shall cease to operate that portion of its present lines which extends from Ninth street west to Seventh street west on Florida avenue, and also that portion on Seventh street west north of Florida avenue. And in default of such completions all acts or parts of acts chartering or extending the said road are hereby repealed.

The amendment was agreed to.

The next amendment was, in section (4) 5, line 2, after the word "power," to insert:

In all cases where the lines of one or more companies coincide under routes authorized by Congress, with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by said company will allow;

So as to read:

That the District Commissioners shall have the power in all cases where the lines of one or more companies coincide under routes authorized by Congress, with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by said company will allow, to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just.

The amendment was agreed to.

The next amendment was, to insert as a new section the following:

SEC. 6. That on and after one year from the approval of this act the Metropolitan Railway Company shall pay to the District of Columbia, in addition to all other taxes now required to be paid by said company, an annual tax of \$500 for each and every car operated by horses on that portion of its lines known as the Ninth Street line; and on and after two years from the approval of this act the said railway company shall pay, in addition to all other taxes now required to be paid by said company, an annual tax of \$500 for each and every car operated by horses on any line owned or controlled by the said company.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 7. That Congress reserves the power to alter, amend, or repeal this act.

The amendment was agreed to.

Mr. MITCHELL of Oregon. I should like to inquire of the Senator from Michigan, in charge of the bill, as to the nature of the case pending in the supreme court of the District of Columbia which the bill proposes to transfer to the court of appeals. What is the case and what is it about?

Mr. McMILLAN. It is an old claim for paving, running back a great many years, which has already been settled by the courts in favor of the company because of the statute of limitations. Now the company has given way on that, and has agreed to what is virtually an arbitration of the whole matter. That is to say, the District Commissioners and the company got together on the proposition to refer the case to the court of appeals for the District of Columbia, the decision of which court should be final. No appeal is to be taken by either side.

This is the provision in the bill as it comes from the House; and the Senate committee has made no change in it.

Mr. MITCHELL of Oregon. The judgment was rendered for a very large amount.

Mr. McMILLAN. About \$160,000.

Mr. MITCHELL of Oregon. It was a judgment rendered against the company?

Mr. McMILLAN. It was a judgment rendered in favor of the District against the company in the District courts, but on appeal to the Supreme Court of the United States, judgment was rendered in favor of the company, by reason of the statute of limitations. This provision opens up the whole case again, and the railway company is willing to give way and allow the court of appeals finally to settle the controversy.

Mr. MITCHELL of Oregon. Was there any appeal?

Mr. McMILLAN. There was, and it was decided in favor of the company by the Supreme Court of the United States.

Mr. MITCHELL of Oregon. On the ground of the statute of limitations?

Mr. McMILLAN. Yes.

Mr. MITCHELL of Oregon. What is the purpose of transferring the case now by law from one court to another?

Mr. COCKRELL. Will the Senator from Michigan permit me for one moment?

Mr. McMILLAN. Certainly.

Mr. COCKRELL. The statute of limitations was pleaded and sustained. Then, in a subsequent act, we put in a provision forfeiting the charter if the company did not pay the judgment.

Mr. FAULKNER. That is it.

Mr. MITCHELL of Oregon. Why do we not stand by that action and compel the company to pay the judgment?

Mr. COCKRELL. Wait a moment. The company claim that if the case had been tried upon the facts at issue the amount claimed would not have been given against them.

Mr. McMILLAN. That is a correct statement.

Mr. FAULKNER. That is the situation.

Mr. McMILLAN. I think the rights of the District, I will say to the Senator from Oregon, are fully protected by the amendment.

Mr. MITCHELL of Oregon. I wish to ask another question in relation to the bill. I desire to ask the Senator in charge of the bill whether it is usual in chartering a company to give them authority to issue bonds without any limit?

Mr. McMILLAN. There is a limit here.

Mr. MITCHELL of Oregon. It is very indefinite. It is a limit fixed by the cost of the work, that is all. There is no limit to the bonds either in the aggregate or per mile. There is nothing of the kind.

Mr. McMILLAN. I will read the language of the section.

Mr. MITCHELL of Oregon. I have it here in section 3.

Mr. McMILLAN. It says:

That the said company is hereby authorized and empowered to issue its bonds, secured by a mortgage on its franchises and other property, to such amount as may be necessary to pay the cost of the work to be done and of the materials required, and the expenses incident to the change to be made as provided in this act—

This is done as to almost all these charters—but not in excess of such cost.

That is the usual form.

Mr. MITCHELL of Oregon. Is there no amount fixed in any of these bills?

Mr. McMILLAN. There sometimes is a rough estimate. You can not tell the amount in this case. You can not tell whether the road will cost \$20,000 a mile, or \$60,000 a mile, or \$100,000 a mile. It is utterly impossible to tell, because it all depends on the character of the power used, and the expense of the conduit, and of the changes to water pipes, etc.

Mr. MITCHELL of Oregon. It is all left to the company.

Mr. McMILLAN. It has to be left to the stockholders. This is the same clause which is put in all such acts. The stockholders are not likely to issue any more bonds than they are compelled to issue.

Mr. MITCHELL of Oregon. Now, another question. I wish to understand the amendment of the Senate committee to section 5 on page 5. The section as the other House passed the bill read as follows:

That the District Commissioners shall have the power to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just, etc.

Now, the amendment reported by the Senate committee, and adopted by the Senate, makes it read as follows:

That the District Commissioners shall have the power in all cases where the lines of one or more companies coincide under routes authorized by Congress, with the route of the Metropolitan Railway Company, and where the nature of the mechanical power used by said company will allow, to permit the use of the tracks of the Metropolitan Railroad Company by other railroad companies in the said District upon such terms and conditions as said Commissioners shall deem just.

What is a man to understand by that language? What lines does the word "coincide" comprehend?

Mr. McMILLAN. It is intended to apply to the roads which may be authorized by Congress to reach the same points that are now reached by the Metropolitan Company's tracks. There are several roads which might be brought in over the Metropolitan Company's tracks, roads which connect with it. The Senate committee has repeatedly reported in favor of allowing one to run over the tracks already laid by another company. There are three other roads which are run partially over the Metropolitan tracks at the present time, and the object of putting in the last clause—

Mr. MITCHELL of Oregon. Why not leave it as provided by the other House? The House provision gives the Commissioners the power to permit the use of the tracks of the Metropolitan Company by other railroad companies of the District on such



terms and conditions as they deem just. Why is not that sufficient?

Mr. McMILLAN. This is a new provision. Such provisions are generally objected to by railroad companies. They do not think it desirable to have other companies running cars over their tracks. The power to make such requirements should remain in Congress and be exercised with due discretion to the interests involved.

Mr. MITCHELL of Oregon. This amendment is to limit the power of the Commissioners, and yet it does not limit it after all. The word employed may be susceptible of one construction or another.

Mr. McMILLAN. I will say to the Senator from Oregon that this covers all the cases that will be applicable to the Metropolitan Company. We intended to protect this company, while opening the way for other companies to use streets already used for street railways. I think the provision is just and ample.

Mr. MITCHELL of Oregon. Is it intended to give authority to permit the use of the tracks of the Metropolitan Company by the cars of other roads which connect with it?

Mr. McMILLAN. This matter has been gone over very carefully in the interest of the District, and I do not quite see the point the Senator is trying to make. The intention is to allow railroads which can not now enter into the heart of the city to use the tracks of the Metropolitan Company to a certain extent under proper restrictions to be imposed by Congress as need arises. It is to prevent the use of other streets that are being demanded by different new companies here which eventually, unless we do something of this kind, will gridiron all the principal streets and avenues of the city of Washington.

Mr. MITCHELL of Oregon. Is it not a fact that the bill as it came from the other House gave the Commissioners full power to compel the company to permit the use of its tracks by any other railway company in the District? Is not that the effect of the House provision?

Mr. McMILLAN. I think that is not a fair thing to do to the company.

Mr. MITCHELL of Oregon. Why not?

Mr. McMILLAN. Because, for instance, the Metropolitan Company may adopt a certain kind of mechanical power, and they would not then want horses to be run over their line. If we want rapid transit we can not have it with horses and electricity applied to the same line. Therefore we put in the amendment "where the nature of the mechanical power used by said company will allow," which I think is a very proper amendment.

Mr. MITCHELL of Oregon. It occurs to me that the word "coincide" will not serve the purpose sought to be accomplished.

Mr. McMILLAN. What would the Senator suggest "to connect?"

Mr. MITCHELL of Oregon. I should strike out the whole provision, if I had my way about it, and give the Commissioners the precise power that the other House gave them, and no more and no less.

Mr. McMILLAN. This is drawn with a great deal of care, and I think it is in the real interest of the public.

Mr. MITCHELL of Oregon. I fail to see the exact purpose of the amendment.

Mr. COCKRELL. Let us have a vote.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. STEWART. I suggest to the Senator from Michigan that "district court" is wrong in line 15 of section 5. It is the supreme court of the District that has jurisdiction.

Mr. McMILLAN. I have no objection to the change, if it is a mistake.

Mr. STEWART. We should have a better court.

Mr. McMILLAN. There is no objection to that change.

Mr. HUNTON. It ought to be the supreme court of the District of Columbia.

Mr. McMILLAN. I have no objection to that amendment. It ought to be changed.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In section 5, line 15, after the word "the," strike out "District" and insert "supreme," and after the word "court" in the same line strike out "of the United States for the District of Columbia" and insert "of the District of Columbia;" so as to read:

If either party is dissatisfied with the compensation for such use so fixed by the Commissioners, the compensation may be determined by the supreme court of the District of Columbia.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return the bill (S. 1105) for the relief of Albert E. Redstone.

The message also announced that the House had passed the following bills:

A bill (S. 104) for the relief of Gen. Napoleon J. T. Dana;

A bill (S. 322) to place Dunbar R. Ransom on the retired list of the Army; and

A bill (S. 1513) for the relief of Maj. Gen. George S. Greene.

The message further announced that the House had passed a bill (H. R. 4609) to establish a uniform system of bankruptcy; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution requesting the Secretary of War to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan; in which it requested the concurrence of the Senate.

#### NAVAL APPROPRIATION BILL.

Mr. GORMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6748) making appropriations for the naval service for the fiscal year ending June 30, 1895, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 27, 28, 29, 33, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 9, 10, 11, 12, 13, 14, 16, 17, 21, 22, 23, 24, 25, 30, 31, 32, 33, and 35, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "That all officers who have been appointed to any corps of the Navy after service in a different branch of the Navy, shall have all the benefits of their previous service in the same manner as if said appointments were a reentry into the Navy;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out lines 1, 2, 3, and 4, and down to and including the word "treatment," in line 5 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "Navy," insert the words "in his discretion;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For paying Justin McCarthy, contractor for building the dry dock at Port Royal, S. C., in full for loss and damage caused by the cyclone of August 27 and 28, 1893, as ascertained by the Navy Department, \$18,521.42."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "Dry dock at Algiers, La.: For the purpose of completing the purchase of additional lands necessary for the establishment of a dry dock at Algiers, La., cost of advertising, plans and specifications for said dry dock, and expenses of judicial proceedings instituted for the condemnation of such additional lands, \$23,025.03."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with amendments as follows: In line 3 of said amendment, after the word "namely," insert the following: "For sealing all the walls to remove existing disease germs and for antiseptically finishing and painting them, removing rotten wooden floors and replacing them by tile with slate sidings impervious to moisture, scraping and painting all doors and woodwork, refitting windows so as to be utilized in ventilation, remodelling cased wooden stairways and renewing them with iron or other suitable material, \$15,000; for construction of one ward of modern design of sufficient size and cubic air space to accommodate at least fifty sick and wounded men, to be one story high with suitable elevation and to be constructed of the same material used for present hospital, \$25,000;" and in line 14 of said amendment strike out "forty-four" and insert "sixty-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 8, page 24 of the bill, after the word "laboratory," insert the words "and department of instruction;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lines 1 and 2 of said amendment strike out the word "temporarily;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following as a separate paragraph:

"That every Member or Delegate of Congress whose district or Territory is now unrepresented at the Naval Academy by a cadet who is not an actual resident of the district shall be permitted on or before the 1st day of September, 1894, to recommend a candidate for appointment as a cadet at the Naval Academy, and the Secretary of the Navy shall nominate such candidate for appointment to the Academy, subject to qualifications now prescribed by law. Such cadets, when appointed, to be in addition to the number of cadets now allowed, and the sum of \$5,500, or so much thereof as is necessary, is hereby appropriated for the additional number of cadets herein authorized."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the



Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Construction and steam machinery: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore or herein authorized, \$5,955,025 and from this amount there shall be paid all speed premiums upon new naval vessels earned previous to January 1, 1894, and which remain unpaid at this date, the amount of such speed premium in each case being according to the official report in the trial of each vessel approved by the Secretary of the Navy."

And the Senate agrees to the same.

A. P. GORMAN,  
JOSEPH C. S. BLACKBURN,  
EUGENE HALE,  
*Managers on the part of the Senate.*  
AMOS J. CUMMINGS,  
J. A. GEISSENHAINER,  
*Managers on the part of the House.*

Mr. MANDERSON. There were a great many points of disagreement between the two Houses on the naval appropriation bill. That is evident not only from the RECORD but from the conference report. Under the custom which obtains with reference to conference reports, they might as well be written in Sanscrit as in the form which they assume when they come to the two Houses of Congress. It is utterly impossible to ascertain from the reading of a conference report, or even from its examination after it has been printed, what have been the agreements or the disagreements between the two Houses.

I hope the Senator from Maryland [Mr. GORMAN], who of course is entirely familiar with the bill, will explain to the Senate what has been given away of the Senate's action in conference and what has been held to, and the main points of the conference report, so that they may be understood. I know particularly a matter that one of my colleagues in the House of Representatives was particularly interested in, who came to me about it this morning, that is in reference to the appointment of cadets to the Naval Academy where there has been a failure to appoint from the Congressional district or someone has been appointed from outside of the district. I am unable to ascertain from hearing that report read what has been done in that behalf. There are other matters of interest which I think ought to be explained, and I hope the Senator from Maryland will give us an explanation.

Mr. GORMAN. I can go over all the amendments in the bill if the Senator desires; but I will answer the Senator in the matter to which he has just alluded as to the appointment of cadets to the Naval Academy. The provision stands substantially as the bill came from the House in that respect, the Senate receding from the amendment offered by the Senator's colleague [Mr. ALLEN] requiring actual residence of two years in the district. Otherwise the provision stands substantially as it came from the House.

As to the remainder of the disagreements, the first amendment was on page 2, which provided for the appointment of officers who had been appointed to any corps of the Navy after serving in a different branch of the Navy, should have the benefits of their previous service in the same manner as if they had reentered the Navy. That provision the conferees of the Senate receded from, as it only embraced eighteen officers.

The remainder of the bill is substantially as it passed the Senate.

The report was concurred in.

#### HOUSE BILL REFERRED.

The bill (H. R. 4609) to establish a uniform system of bankruptcy was read twice by its title, and referred to the Committee on the Judiciary.

#### IMPROVEMENT OF SAUGATUCK HARBOR, MICHIGAN.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Commerce.

*Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be requested to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan, under the project of 1867, as modified in 1869, 1870, 1875, 1882, and the improvements recommended in the report of the Chief of Engineers for the year 1893.*

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. FORMAN, and Mr. WAUGH managers at the conference on the part of the House.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. CALL. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to the agricultural appropriation bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair)

laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6937) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CALL. I move that the Senate insist upon its amendments, disagreed to by the House of Representatives, and accede to the request of the House for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. CALL, Mr. BRICE, and Mr. CULLOM were appointed.

#### INDIAN APPROPRIATION BILL.

Mr. CALL. I move that the Senate proceed to the consideration of House bill 6913, being the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6913) making appropriations for current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CALL. I ask unanimous consent to dispense with the formal reading of the bill.

The PRESIDENT *pro tempore*. Without objection the formal reading will be dispensed with and the bill will be read for action upon the amendments reported by the Committee on Appropriations as they may be reached in the reading.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 1, line 9, before the word "agents," to strike out "fifty-six" and insert "fifty-seven;" so as to make the clause read:

For pay of fifty-seven agents of Indian affairs at the following-named agencies, at the rate respectively indicated

The amendment was agreed to.

The next amendment was, on page 7, line 7, after the word "agents," to strike out:

*And also provided, That the Pueblo and Jicarilla Agency, New Mexico, is hereby abolished and consolidated with the Southern Ute Agency, Colorado.*

And in line 11, after the word "dollars," to strike out:

And all provisions of law fixing compensation for Indian agents in excess of that herein provided are hereby repealed, and all offices in the Indian service not herein provided for are hereby abolished.

So as to make the clause read:

*Provided, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in performance of the duties of Indian agent at any of the agencies above named: Provided, further, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency, whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.*

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "dollars," to insert "but no person employed by the United States and paid for any other service shall be paid for interpreting;" so as to make the clause read:

For the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, \$10,000; but no person employed by the United States and paid for any other service shall be paid for interpreting.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

For pay of one superintendent of Indian schools, \$3,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 2, to insert:

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, \$1,500: *Provided, That he shall be allowed \$3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare: And provided, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.*

The amendment was agreed to.

The next amendment was, on page 8, after line 24, to insert:

For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$5,000.

The amendment was agreed to.

The next amendment was, on page 15, line 15, after the words "for purposes of," to strike out "erection" and insert "education;" so as to make the clause read:

For 5 per cent interest on \$200,000, for purposes of education, per sixth article of treaty of August 7, 1856, \$10,000.

The amendment was agreed to.



The next amendment was, on page 19, line 23, after the word "authorize," to strike out "in his discretion;" so as to make the proviso read:

*Provided*, That the Secretary of the Interior is hereby authorized to pay per capita in cash to the Iowa Indians in Oklahoma the sum of \$24,000, appropriated by the act of February 13, 1891, as a partial payment to them for certain lands in Oklahoma ceded to the United States, in lieu of expending the same for their benefit.

The amendment was agreed to.

The next amendment was, on page 25, line 17, after the word "ninety-three," to strike out "and;" in line 18, after the word "ninety-four," to insert "and June thirtieth, 1895;" and on page 26, line 3, before the word "cents," to strike out "four thousand one hundred and sixty-two dollars and sixty" and insert "six thousand two hundred and forty-three dollars and ninety;" so as to make the clause read:

#### POTTAWATOMIES OF INDIANA AND MICHIGAN.

For this amount due certain Pottawatomie Indians of Indiana and Michigan, being their proportion (\$2,081.30) of the perpetual annuities (\$22,300) due the Pottawatomie Nation under various treaties, for the years ending June 30, 1893, June 30, 1894, and June 30, 1895, as ascertained by the judgment of the Supreme Court of the United States pronounced in the case of the Pottawatomie Indians of Michigan and Indiana against the United States, on the 17th day of April, 1893, and which annuities were not embraced in the judgment aforesaid, \$6,243.90.

The amendment was agreed to.

The next amendment was, on page 26, line 13, after the word "ninety-one," to strike out the following proviso:

*Provided*, That the restrictions in patents issued to the Citizens' Band of Pottawatomies and Absentee Shawnee Indians over 21 years of age, are hereby waived subject to such rules and regulations as may be prescribed by the Secretary of the Interior, with the approval of the President of the United States, as to lands owned by them in severalty in Oklahoma, it being understood that they shall only dispose of lands which they hold in excess of 80 acres each; except where said Indians are nonresidents of Oklahoma, they shall have the power to sell all of said lands.

Mr. PLATT. I should like to have some explanation as to why the provision inserted by the other House is to be stricken out. I understand that it has the recommendation of the Commissioner of Indian Affairs.

Mr. COCKRELL. It does not have the recommendation of the Commissioner of Indian Affairs. I will send to the desk, however, a substitute which the committee proposes in lieu of the words stricken out, which is in the exact language of the recommendation of the Commissioner of Indian Affairs. If the Senator from Connecticut will turn to the report of the Commissioner of Indian Affairs, with the substitute as it is read, he will see that it is an exact copy of it.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The amendment will be stated.

The SECRETARY. In lieu of the part proposed to be stricken out, insert the following proviso:

*Provided*, That any member of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma, to whom a trust patent has been issued under the provisions of the act approved February 8, 1887 (24 Stats., 388), and being over 21 years of age, may sell and convey any portion of the land covered by such patent in excess of 80 acres, the deed of conveyance to be subject to approval by the Secretary of the Interior under such rules and regulations as he may prescribe, and that any Citizen Pottawatomie not residing upon his allotment, but being a legal resident of another State or Territory, may in like manner sell and convey all the land covered by said patent, and that upon the approval of such deed by the Secretary of the Interior the title to the land thereby conveyed shall vest in the grantee therein named, and the land sold and conveyed under the provisions of this act shall upon proper recording of the deeds therefor, be subject to taxation as other lands in said Territory, but neither the lands covered by such patents not sold and conveyed under the provisions of this act, or any improvements made thereon, shall be subject to taxation in any manner by the Territorial or local authorities during the period in which said lands shall be held in trust by the United States.

Mr. PLATT. Since the Senator from Missouri answered me, as I thought, somewhat curtly—

Mr. COCKRELL. Not at all. If I said anything that was not in the most kindly manner I beg pardon, for I certainly meant nothing curt.

Mr. PLATT. The proposition of the committee as it stood in the bill was to strike out the entire provision and allowing the lands to be sold, and I knew that the Commissioner of Indian Affairs had recommended a sale of the lands.

Mr. COCKRELL. We struck it out because we did not have the substitute. We wanted to get the recommendation of the Commissioner of Indian Affairs, and we also desired to report the bill at once.

Mr. PLATT. This is entirely satisfactory to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment striking out and inserting.

The amendment was agreed to.

Mr. MITCHELL of Oregon. Is the Senate entertaining amendments, or are we to go through with the committee amendments first?

The PRESIDING OFFICER. The Senate is acting upon the amendments of the committee as they are reached in the reading.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 30, after line 15, to strike out:

For permanent annuity, for educational purposes, per fourth article of treaty of August 3, 1795, and third article of treaty of May 10, 1854, \$1,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, to strike out:

For permanent annuity, in specie, for educational purposes, per fourth article of treaty of September 23, 1817, and third article of treaty of May 10, 1854, \$2,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 24, to strike out:

For interest, at 5 per cent, on \$0.000, for educational purposes, per third article of last named treaty, \$2,000; in all, \$5,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

That the Secretary of the Treasury is hereby authorized and directed to place on the books of the Treasury Department, to the credit of the Cherokee Nation of Indians, the sum of \$100,000, being the value of annuities of the Shawnee Indians arising under their treaties of August 3, 1795, and May 10, 1854, transferred to the Cherokees by an agreement between the said tribes, dated June 7, 1869, under the provisions of article 16 of the treaty of July 19, 1866, with the Cherokees, the said sum to be apportioned as follows, namely: Cherokee national fund, \$50,000; Cherokee school fund, \$35,000; Cherokee orphan fund, \$15,000; interest on these several sums at the rate of 5 per cent per annum from July 1, 1891, to be paid under the provisions of the act of April 1, 1889.

The amendment was agreed to.

The next amendment was, on page 35, line 5, after the word "that," to strike out "this sum" and insert "the foregoing sum of \$1,000,000;" so as to make the clause read:

For subsistence of the Sioux and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, \$1,000,000: *Provided*, That a sum not to exceed \$5,000 may be used in completing three artesian wells at Pine Ridge, Rosebud, and Standing Rock Agencies, this amount in addition to the sum appropriated for that purpose by act of March 3, 1893: *Provided*, That the foregoing sum of \$1,000,000 shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed whenever practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, on page 35, line 25, after the word "dollars," to strike out the following proviso:

*Provided*, That when in pursuance of any treaty an appropriation has been heretofore made to erect schoolhouses for the accommodation of the children of any tribe of Sioux Indians out of any fund belonging to said Indians which appropriation is still in force, the Secretary of the Interior shall proceed as early as practicable to erect such school buildings.

The amendment was agreed to.

The next amendment was, on page 37, line 4, before the word "machines," to strike out "thrashing" and insert "threshing;" in line 12, before the word "appropriated," to strike out "to be;" in line 14, after the word "extended," to insert "to;" and in the same line, after the word "expended," to strike out "to" and insert "for;" so as to make the clause read:

For third of ten installments, to be expended under the direction of the Secretary of the Interior, in the removal of the Spokane Indians to the Coeur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, threshing machines, mowers, clothing, and provisions, in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article 5 of agreement with said Indians, dated March 18, 1887, ratified by act of Congress approved July 13, 1892, \$8,000: *Provided*, That any moneys heretofore or hereafter appropriated for the removal of said Spokane Indians to the Coeur d'Alene Reservation shall be extended to, or expended for, such members of the tribe who have removed or shall remove to the Colville, Spokane, or Jocko Reservations.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to strike out:

That the Secretary of the Interior be, and he hereby is, authorized and directed to negotiate and effect, if practicable, an agreement with the Ogden Land Company, its successors or assigns, for the surrender and relinquishment to the United States of all such right, title, and interest as it may be found to have in and to any and all of the lands occupied by the Seneca Nation of Indians in the State of New York, if any right is found to exist. Any agreement made hereunder to be subject to ratification by Congress.

The amendment was agreed to.

Mr. CALL. After line 2, page 40, I move to insert what I send to the desk.

The Secretary read as follows:

That the Secretary of the Interior be, and he hereby is, authorized to make a thorough investigation of the facts touching the so-called Ogden Land Company, its organization, when and by whom formed, its continued existence or organization to this date, its capital stock, number of shares, amount or face value, where and by whom held, its liabilities and assets, and the original history of the alleged claim of said company to any of the lands of the Seneca Nation of Indians in the State of New York, and any and all evidences of title, and also the condition of said Indians, their progress in civilization, and fitness for citizenship, their number, and system of government, and the propriety of allotting their lands in severalty, and to make to Congress a full report of such suggestions and recommendations as he may deem proper in view of all the facts ascertained.



Mr. PLATT. It was impossible to catch the meaning of the amendment from the reading of it. Will the Senator in charge of the bill please explain what is proposed by the amendment.

Mr. COCKRELL. There was the following provision inserted by the House of Representatives:

That the Secretary of the Interior be, and he hereby is, authorized and directed to negotiate and effect, if practicable, an agreement with the Ogden Land Company, its successors or assigns, for the surrender and relinquishment to the United States of all such right, title, and interest as it may be found to have in and to any and all of the lands occupied by the Seneca Nation of Indians in the State of New York.

Mr. PLATT. I am familiar with that matter.

Mr. COCKRELL. The Ogden Land Company dates its existence back prior to the Revolutionary war, or about that time. Mr. PLATT. I understand all about the Ogden Land Company; but what is it that the amendment proposes to do?

Mr. COCKRELL. The amendment directs the Secretary of the Interior to investigate the whole question as to the origin and the continued existence of the Ogden Land Company, its membership, its capital in bonds and in stock, and its contracts and rights, if any, to this land, and then whether the land should be allotted to the Indians in severalty, and to report the facts with such recommendations as he may make, doing nothing that binds Congress.

Mr. PLATT. That is right.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 40, line 7, before the word "thousand," to insert "and ten;" so as to make the clause read:

For support and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected upon the reservations set apart for their use and occupation, \$10,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 8, to insert:

To enable the Secretary of the Interior to purchase land and subsistence and other necessities for the support of the Digger Indians, Central California, and for such other purposes as may be deemed necessary for the civilization of said Indians, \$10,000. A primary day school may be established and maintained out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 42, line 6, after the word "dollars," to strike out:

*Provided*, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may deem proper and necessary to protect the interests of the Indians and of the United States, to sell or otherwise dispose of a quantity of timber from time to time on the Jicarilla Apache Indian Reservation, the proceeds to be used by him in the purchase of such stock or other articles for the benefit of the Indians belonging thereto as will best tend to promote their welfare and advance them in civilization.

So as to make the clause read:

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico and Arizona, \$185,000.

The amendment was agreed to.

The next amendment was, on page 43, line 15, after the word "employés," to insert "and purchase of farming implements and seed;" so as to make the clause read:

For support and civilization of the Navajo Indians, New Mexico Territory, including pay of employés and purchase of farming implements and seed, \$7,500.

The amendment was agreed to.

The next amendment was, on page 44, line 15, after the word "dollars," to insert "one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians;" so as to make the clause read:

For support, civilization, and instruction of the Seminoles in Florida, \$6,000, one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians.

The amendment was agreed to.

The next amendment was, on page 45, after line 19, to insert:

To enable the Secretary of the Interior to remove and rebuild the bridge across the Big Wind River on the Shoshone Indian Reservation, in the State of Wyoming, \$2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 48, line 6, before the word "thousand," to strike out "five" and insert "three;" in line 7, before the word "thousand," to strike out "three" and insert "five," and in the same line, after the word "dollars," to strike out "at least one-half of this amount shall be expended for Indian employés;" so as to make the clause read:

Utah: For general incidental expenses of the Indian service, including traveling expenses of agents in Utah, support and civilization of Indians at Uintah Valley and Ouray Agencies, \$3,000, and pay of employés at said agencies, \$5,000; in all, \$8,000.

The amendment was agreed to.

The next amendment was, on page 48, line 20, after the word "Arizona," to strike out "one thousand two hundred" and insert "two thousand four hundred and twenty;" so as to make the clause read:

For operating and repairing the flour mill at Pima Agency, Arizona, \$2,420.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

For the erection of a flour and saw mill at Shoshone Agency, Wyoming, and to purchase machinery therefor, \$6,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 14, to insert:

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land upon any Indian reservation under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which he, she, or they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the same manner as may be done by citizens of the United States.

Mr. CALL. I move to insert as a substitute for the amendment which has just been read, the clause which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the committee amendment from line 15 to line 25, inclusive, on page 49, and in lieu thereof to insert:

That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto, in proper district courts of the United States; and said district courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions, involving the rights of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty, and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him.

Mr. PLATT. It is very difficult to get at the exact meaning of the amendment as it was read at the desk, owing to the confusion in the Chamber; but I am afraid that, unless an exception be made, the Cherokee Indians will think that in some way or other it affects or may affect the question of what is called the intruders in the Indian country. If they should think that this provision in any way relates to the lands there upon which the intruders have settled in the past or may settle in the future, it would utterly prevent any negotiations on their part with what is called the Dawes Commission. I suggest that there be added to the amendment these words:

But this provision shall not apply to any lands now held by either of the five civilized tribes.

Mr. CALL. There is no objection to that.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add to the amendment:

But this provision shall not apply to any lands now held by either of the five civilized tribes.

The amendment to the amendment was agreed to.

Mr. DOLPH. This is an amendment to the amendment offered by the Senator from Florida, and I should like to have that amendment again stated at the desk.

Mr. COCKRELL. The amendment offered by the Senator from Florida is just the same as the amendment reported by the committee, which is printed in the bill, except that it provides for the proceeding in the proper district court of the United States.

Mr. DOLPH. I think there is an omission before the words "district court." Let the amendment be again stated as amended.

The PRESIDING OFFICER. The amendment will be stated as amended.

The Secretary read as follows:

That all persons who are in whole or in part of Indian blood or descent, who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act, or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment, or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in proper district courts of the United States.

Mr. DOLPH. There is an omission there.

Mr. COCKRELL. The word "the" should be inserted before the word "proper."

The PRESIDING OFFICER. That correction will be made, in the absence of objection. The reading of the amendment will be continued.

The Secretary continued the reading, as follows:

In the proper district courts of the United States, and said district courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions, involving the rights of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty; and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands now held by either of the five civilized tribes.

Mr. DOLPH. I wish to suggest that except in bankruptcy cases and in some other exceptional cases, the district courts are not given civil jurisdiction. Suits of this character are usually brought in the circuit court.

Mr. COCKRELL. It would be more appropriate to bring the suits in the district court in the beginning. This amendment proposes to give express jurisdiction, and it was prepared by the Commissioner of Indian Affairs, so that there might be no question as to the place where the suits should be brought.

Mr. DOLPH. I think I am quite as familiar with the practice in the United States courts as the Commissioner of Indian Affairs. By this provision a question might be raised when there is an appeal in a civil case about where it is to go, and all that sort of thing. The district judges serve as circuit judges, and try all the cases in the circuit court; but I think, as a rule, it would be better to make these cases triable in the circuit court as similar cases are.

Mr. COCKRELL. Very well, let that go in.

Mr. DOLPH. If there be no objection, let the word "district," where it occurs in the amendment, be changed to "circuit."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "district" where it occurs and insert the word "circuit;" so as to read "circuit courts of the United States."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. QUAY. Mr. President, I have a number of memorials bearing upon this bill, which I have received in my mail to-day, and I ask the unanimous consent of the Senate to present them at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. CALL. No objection.

The PRESIDING OFFICER. The Chair hears no objection, and the memorials will be received.

Mr. QUAY. Mr. President, I will state that these memorials, I understand, originated with the Patriotic Order of Sons of America and affiliated organizations. The one I have in my hand is from citizens of Clinton County, Pa. The first signers I notice are the superintendent of the public schools of that county and the ex-superintendent.

The memorialists state that they remonstrate against the violation of the American principle of "separation of church and state," which is involved in making appropriations for or contracts with agents of sectarian institutions for Indian education.

They emphatically protest against the passage in its present form of the pending Indian appropriation bill, as that bill specifically appropriates Government moneys for various sectarian schools or undertakings, and permits the Indian Department to contract with others. Therefore, upon the bill itself, and particularly upon the provisions referred to, they ask that a ye-and-nay vote may be taken, believing that the citizens of the country have the right to know what Senators favor this class of education for the nation's wards.

They call the attention of the Senate very particularly to the resolutions of various church societies in opposition to the bill, and petition us to change the pending bill by adopting an amendment similar to the one offered by Representative GEAR, which, in substance, provides for a system of Government schools for advancing education among the Indians on the basis of the American free-school system, and the memorialists ask the influence and votes of the Senate for "the Government schools only."

In addition to this memorial of L. M. Patterson and 60 others, of Clinton County, Pa., I also present the memorials of E. C. Miller and 51 others, of Houtzdale, Pa.; of W. F. Werley and 25 others, of Lehigh County, Pa.; of E. F. Becker and 58 others, of Lancaster, Pa., and of Rev. J. M. Spangler and 52 others, of Cambria County, Pa., all remonstrating against the present system of sectarian Indian education receiving governmental aid.

The PRESIDING OFFICER. The petitions will be received and laid on the table, the bill having been reported.

Mr. QUAY. In pursuance of the suggestion from the Patriotic Order of Sons of America in one of their councils, as well as of the memorials I have presented, I move that the further consideration of this bill be postponed until two weeks from to-day, in order that the patriotic orders of the country may be heard from.

Mr. COCKRELL. I hope the motion will not prevail, Mr. President.

Mr. PLATT. It was my intention when we should reach the portion of the bill, which we shall come to pretty soon, providing for denominational schools, to make some inquiries with reference to the policy of the Government in that respect and some observations on the subject.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Pennsylvania, to postpone the consideration of the bill for two weeks from to-day.

Mr. QUAY. In order that the Patriotic Order of the Sons of America may be heard from. That is part of the motion, and on that I call for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was not agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 51, line 2, before the word "thousand," to strike out "twenty-five" and insert "forty;" so as to make the clause read:

For the service of not exceeding eight hundred and fifty privates, at \$10 per month each, and not exceeding seventy-five officers, at \$15 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquors on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, \$140,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 6, to insert:

Telegraphing and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, inspection, and all other expenses connected therewith, including telegraphing, \$45,000.

The amendment was agreed to.

The next amendment was, on page 51, line 17, before the word "thousand," to strike out "fifty-seven" and insert "seventy-five;" so as to make the clause read:

For this amount, for necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents and rent of warehouses, \$275,000.

The amendment was agreed to.

The next amendment was, on page 51, line 22, before the word "thousand," to strike out "twenty" and insert "sixty;" and in the same line, after the word "dollars," to insert "of which amount \$35,000 shall be expended in South Dakota;" so as to make the clause read:

For survey and subdivision of Indian reservations, and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior, \$60,000, of which amount \$35,000 shall be expended in South Dakota.

The amendment was agreed to.

The next amendment was, on page 51, after line 23, to insert:

For surveying lands in the Indian Territory, known as those of the Five Civilized Tribes, in conformity to the laws applicable to the public domain, \$5,000; and any unexpended balance of the sum of \$25,000 appropriated by section 15 of the Indian appropriation act approved March 3, 1893, is hereby made available and may be applied to the same purpose.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to insert:

To enable the Secretary of the Interior, in his discretion, to negotiate through Indian inspectors of his Department with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, \$5,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 11, to insert:

For the purpose of conducting negotiations with the Shoshone and Arapaho Indians for the sale and relinquishment of certain portions of their reservation in the State of Wyoming to the United States, \$2,000; and the Secretary of the Interior shall detail immediately one or more of the five Indian inspectors to make an agreement with said Indians: *Provided*, That any agreement entered into for said lands shall be ratified by Congress before it shall become binding.

The amendment was agreed to.



The next amendment was, on page 54, line 5, after the word "ninety," to insert:

And an additional sum of \$3,000, or so much thereof as may be necessary, to reimburse such of the fifteen other settlers whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior.

So as to make the clause read:

To enable the Secretary of the Interior to carry out the provisions of an act of Congress approved October 1, 1890, providing for the assessment of damages resulting to nine hundred and forty-four settlers who went upon the Crow Creek and Winnebago Indian Reservation, in the now State of South Dakota, between the 27th day of February, 1885, and the 17th day of April, 1885, and who were afterwards removed therefrom by the Government, the sum of \$116,119.19, said sum being the amount found due after careful examination by the Secretary of the Interior and recommended by him for payment in pursuance of said act of October 1, 1890, and an additional sum of \$3,000, or so much thereof as may be necessary, to reimburse such of the fifteen other settlers whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 55, line 5, after the word "dollars," to strike out "the same to be immediately available;" so as to make the clause read:

For the purpose of continuing and completing the appraisal of improvements of intruders in the Cherokee Nation under the provisions of the act of March 3, 1893, §4, 996.

The amendment was agreed to.

The next amendment was, on page 56, after line 15, to insert:

That the Secretary of the Treasury be, and he hereby is, authorized to allow to Eugene E. White, of Prescott, Ark., late a special United States Indian agent, a credit of \$165 on his two cash accounts, one for the quarter ending December 31, 1887, and the other for the quarter ending March 31, 1888, and out of said amount to pay him the sum of \$69.49, which is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 56, after line 24, to insert:

To provide for the expenses of the five commissioners appointed to take a census of the Old Settlers Cherokees, \$5,000, the same to be deducted from the amount awarded to said Indians by judgment of the Court of Claims, dated June 6, 1893, and reimbursed to the United States.

The amendment was agreed to.

The next amendment was, on page 57, after line 6, to strike out:

For support of Indian day and industrial schools and the erection and repair of school buildings on Indian reservations, and for other educational purposes not hereinafter provided for, including the pay of the superintendent of Indian schools the salary of \$2,500 with traveling expenses as prescribed by the Secretary of the Interior, and pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, \$1,070,000, \$20,000 of which may be used for the purchase of horses, cattle, sheep, goats, and swine, and poultry, for schools, and \$30,000 for the transportation of pupils to and from Indian schools.

And insert:

For support of Indian day and industrial schools and for other educational purposes not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, \$1,000,000, of which amount the Secretary of the Interior may in his discretion use \$5,000 for the education of Indians in Alaska; for the erection and repair of school buildings on Indian reservations, \$40,000; for the purchase of horses, cattle, sheep, goats, swine, and poultry, for schools, \$20,000; for collecting and transporting pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools, except Carlisle, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified, to give such pupils moral, industrial, and educational training under arrangements in which their proper care, support, and education shall be in exchange for their labor, \$35,000; in all, \$1,095,000.

Mr. PLATT. I should like to inquire whether the lump sum of \$1,095,000 is for the support of Government schools, or whether

some portion of it is to be used for the support of what are known as contract schools?

Mr. CALL. The amendment, I understand, includes what are known as contract schools also.

Mr. PLATT. The Senator from Pennsylvania [Mr. QUAY] a few moments ago presented a memorial from citizens of Pennsylvania, the object of which is to remonstrate against the appropriation of money by the Government for denominational schools for Indian pupils.

I have a similar memorial from citizens of Middletown, Conn., numerously signed, protesting against appropriations to sectarian schools for the education of Indians, which I present at this time and ask that it lie on the table.

The PRESIDING OFFICER. The memorial will lie on the table.

Mr. PLATT. In reference to this matter, I desire to say that I am, and have been for a number of years, entirely opposed to appropriating money for the support of denominational Indian schools. I had hoped that the policy of having all our Indian schools Government schools was to prevail, and that the number of Indian pupils in attendance upon denominational schools would be reduced as rapidly as possible. It is practically impossible in an appropriation bill to reduce the appropriation for the purpose of carrying on these schools. To refuse to appropriate money in the pending bill for the denominational schools is to have the education of about one-third, more or less, of the Indian pupils of the United States stopped at once, without any provision being made by the Government for their education.

There has been some reduction in the appropriations for denominational schools. I am unable to ascertain from the bill, and I think none of the appropriation acts afford that information exactly, how much money is to be expended by the Government in any one year for the denominational schools, because there is a lump sum of \$1,000,000 for the support of the Government schools, and a portion of that amount is used to support the denominational schools. Certain denominational schools are provided for specifically in the bill, and I understand other denominational schools are provided for from the appropriation of a million dollars, as the Commissioner of Indian Affairs may make contracts.

The amount paid for denominational schools reached its highest point in 1892, when it was \$611,570. In 1893 it fell to \$533,241, and in the fiscal year which expired on the 30th of June last it was \$512,435. Whether a further reduction is contemplated for the present fiscal year I am unable to discover from the appropriations in the pending bill. There is a table in the report of the Commissioner of Indian Affairs showing the expenditure for this purpose from 1887 to 1894, inclusive, which I will ask may be inserted in the RECORD as a part of my remarks.

The Methodists, Presbyterians, Episcopalians, and Congregationalists have heretofore taken some official action declaring that they will cease to take aid from the Government in conducting the Indian schools carried on under their supervision. This has partially gone into effect. The Methodist denomination drew out, if I may use that expression, in 1892, and the Episcopal Church reduced the amount received from Government from \$29,910 in 1891 to \$7,020 in 1894, gradually withdrawing from the work. The attendance of pupils at Government schools and at contract schools is shown in table 1 of the report of the Commissioner of Indian Affairs, and I ask that it may be inserted in my remarks.

Amounts set apart for various religious bodies for Indian education for each of the fiscal years 1887 to 1894, inclusive.

	1887.	1888.	1889.	1890.	1891.	1892.	1893.	1894.
Roman Catholic.....	\$194,635	\$221,169	\$347,672	\$355,957	\$363,349	\$394,756	\$375,845	\$378,345
Presbyterian.....	37,910	38,500	41,825	47,650	44,850	44,310	30,090	30,090
Congregational.....	26,696	26,080	29,310	28,459	27,271	29,146	25,736	6,250
Martinsburg, Pa.....	10,410	7,500	(*)					
Alaska Training School.....	4,175	4,175						
Episcopal.....	1,890	3,690	18,700	24,876	29,910	23,220	4,800	7,020
Friends.....	27,845	14,400	23,383	23,383	24,743	24,743	10,020	10,020
Mennonite.....	3,340	2,500	3,125	4,375	4,375	4,375	3,750	3,750
Middletown, Cal.....	1,523							
Unitarian.....	1,350	5,400	5,400	5,400	5,400	5,400	5,400	5,400
Lutheran, Wittenberg, Wis.....		1,350	4,050	7,560	9,180	16,200	15,120	15,120
Methodist.....			2,725	9,940	6,700	13,980		
Mrs. L. H. Daggett.....							†6,480	
Miss Howard.....			275	600	1,000	2,000	2,500	3,000
Appropriation for Lincoln Institution.....	33,400	33,400	33,400	33,400	33,400	33,400	33,400	33,400
Appropriation for Hampton Institute.....	20,040	20,040	20,040	20,040	20,040	20,040	20,040	20,040
Total.....	363,214	376,264	529,905	561,640	570,218	611,570	533,241	512,435

\*Discontinued. †This contract was made in 1892 with the Board of Home Missions of the Methodist Episcopal Church. As that organization did not wish to make any contracts for 1893, the contract was renewed with Mrs. Daggett.

Enrollment and average attendance at Indian schools, 1887 to 1893.  
ENROLLED.

Kind of school.	1887.	1888.	1889.	1890.	1891.	1892.	1893.
<b>Government schools:</b>							
Training and boarding	6,847	6,998	6,797	7,236	8,572	9,634	11,126
Day	3,115	3,175	2,863	2,963	2,577	3,481	3,589
Total	9,962	10,173	9,660	10,199	11,149	13,115	14,715
<b>Contract schools:</b>							
Boarding	2,763	3,234	4,038	4,186	4,282	4,262	4,182
Day	1,044	1,293	1,307	1,004	886	839	616
Boarding, specially appropriated for	564	512	679	988	1,309	1,344	1,327
Total	4,371	5,039	6,124	6,178	6,477	6,445	6,125
<b>Public day schools.</b>						190	202
<b>Mission schools not assisted by Government; boarding and day pupils.</b>						157	75
<b>Aggregate</b>	14,333	15,212	15,784	16,377	17,626	19,507	21,117
<b>Increase</b>					1,549	1,981	1,210
<b>AVERAGE ATTENDANCE.</b>							
<b>Government schools:</b>							
Training and boarding	5,276	5,533	5,212	5,644	6,749	7,622	9,038
Day	1,896	1,929	1,744	1,780	1,661	2,084	2,165
Total	7,172	7,462	6,956	7,424	8,410	9,709	11,233
<b>Contract schools:</b>							
Boarding	2,258	2,694	3,213	3,384	3,504	3,585	3,440
Day	604	786	662	587	502	473	342
Boarding, specially appropriated for	486	478	721	837	1,172	1,204	1,113
Total	3,348	3,958	4,596	4,808	5,178	5,262	4,904
<b>Public day schools.</b>						105	123
<b>Mission schools not assisted by Government</b>						93	43
<b>Aggregate</b>	10,520	11,420	11,552	12,232	13,588	15,167	16,303
<b>Increase</b>					1,356	1,579	1,136

This table shows that the highest number enrolled in contract schools was, in 1891, 6,477, while in 1893 it had fallen off about 350, to 6,125. In the meantime the enrollment in the Government schools was rapidly increasing, having increased from 11,449 in 1891 to 14,715 in 1893.

I fully sympathize not only with the sentiment which seems to be extending in the country that the Government should not aid denominational Indian schools, but in the wider sentiment that the Government ought not to appropriate money for any institutions which are carried on by sects or denominations, especially with regard to the teaching of Indians. I do not think there ought to be two systems.

I believe that the Government system is the right system, and that all the Indian schools ought to be Government schools. I do not believe that the contract schools by the different denominations have been of the service in the education of Indian children that the Government schools have been. It raises jealousy between the denominations, and more or less the different religious denominations seek to inculcate religious truths according to their idea of what religious truth is.

Now, in Alaska, for instance, where we are carrying on education, I think the education is conducted among and by eight different denominations, and there is continual jealousy and bickering among them. All this must have its effect upon the practicability and the efficiency of the education of the Indian children. I know of no reason why the Government should not educate all the children, if it educates any, and I hope and have hoped that the policy of denominational schools might cease.

The matter has been discussed in the Senate before. I think we have had assurances here, and indeed from the Indian Commissioners, that the denominational schools should as rapidly as possible be done away with and Government schools substituted in their place. Practically, it is impossible to do away with the contract schools all at once without serious injury to the children who are being educated in them, but the policy of doing away with them ought to be adopted by Congress, and they should gradually be abandoned.

Mr. GALLINGER. Perhaps the remark made by the Senator from Connecticut a moment ago answers the question I rose to propound. I wish to ask the Senator from Connecticut if there is any substantial reason why we might not provide that no part of the appropriation of \$1,000,000 should be used for denominational schools. Would such a proviso attached to the appropriation work hardship or conflict with contracts now made?

Mr. PLATT. The difficulty about it is that all these schools are in operation, the children are attending them, and the buildings in many instances are owned by the denominations. The Government has no buildings at the places where the schools are conducted, and to cut off the appropriations suddenly would simply prevent the education of the children who are now being educated in the contract schools. It will break up the schools until such a time as the Government can establish schools to take charge of the children who are now being educated in the contract schools.

That is the difficulty. If it were not for that I should be in favor of a provision that from this moment the contract-school system should be abolished, and the entire education of Indian children carried on by the Government. But in thinking about this matter and considering it, as we have considered it, it does not seem practicable to discontinue the practice by a provision upon an appropriation bill when the system is in operation, and when it must either be appropriated for or the education of the children cease.

It depends largely upon the Commissioner of Indian Affairs whether the policy shall be restricted. He has a certain sum of money to expend for the education of children, not specially provided for in the act, and a portion of that sum goes to support contract schools which are not specifically provided for in the act. The Commissioner can gradually withdraw these contracts, and I believe the sentiment of the country, the sentiment of all denominations of Christians, is against continuing the system of schools carried on by the denominations. I think it is a great mistake that they were ever instituted at all.

Mr. QUAY. Mr. President, in connection with the general subject I send to the desk and ask to have read a communication to me from the officers of the Women's National Indian Association and the Universal Peace Union.

The PRESIDING OFFICER. The Secretary will read as requested, if there be no objection.

The Secretary read as follows:

1823 ARCH ST., PHILADELPHIA, June 7, 1894.

DEAR SIR: The Universal Peace Union having examined the Indian appropriations bill reported in the House of Representatives April 30, earnestly requests that you will present in the United States Senate the urgent protest of this Union against the proposed reduction, by \$70,000, of the amount for day and industrial schools named as necessary by the honorable Secretary of the Interior, and also against the reduction by \$150,000, of the appropriation needed for the current fiscal year, as well as against the clauses hampering the use of educational funds when appropriated.

We also protest against the reduction, by \$16,000, of the appropriation for the Carlisle Indian School, and against the diminution of the total sum for all Indian schools, by over \$315,000, or more than \$31,000 less than the amount named as necessary by the Secretary of the Interior.

All these reductions would, we know from long observation of the needs of the Indian service, be disastrous to Indian education and civilization, and therefore this society, with its wide membership and world-wide influence, as well as the many societies included in your own constituency, will be grateful to you for your influence, efforts, and vote against these proposed reductions.

Second. Permit us, sir, on the other hand, to ask you to present an expression of our profound gratitude that our Government seven years ago by legislation pledged itself to the policy of Indian education and civilization, and this in order to fit our Indian tribes for the radical and permanent economy of self-support and United States citizenship, and to say that it is because such a policy is the only economical one that we should regard the above proposed reductions, if granted, as in effect a criminal extravagance.

Third. We beg you, sir, to say for us, in view of the true national economy of Indian industrial education and its resulting self-support, that, instead of a diminution of Indian appropriations, we would urge the small increase needed to provide schools for all Indians of school age, and that we emphatically urge adequate provision for the retention of all the inspectors, superintendents, and field matrons, and for the continuance of all the facilities now employed for Indian civilization and education, not one of which is yet more than adequate; and, lastly, that there may be the usual appropriation for the expenses of the Board of Indian Commissioners, whose vigilance and uncompensated services have saved to our Government many hundreds of thousands of dollars, many antagonisms, and been so important and inexpensive a factor in Indian progress.

We are, sir, for the Universal Peace Union,

Yours, respectfully,

AMELIA S. QUINTON,  
President Women's National Indian Association.  
THOMAS J. WHITNEY,  
Vice-President Universal Peace Union.  
FRANK E. CARSON,  
Secretary Universal Peace Union, Committee.

Hon. M. S. QUAY, United States Senator.

Mr. PLATT. I should like to ask the Senator in charge of the bill whether it is true, as stated in the communication which has just been read, that there has been a serious reduction in the amount of money to be appropriated for Indian education.

Mr. CALL. There has been a reduction, but I am not prepared to state the total amount of the reduction. There has been a reduction in special cases where it is believed, according to the statements of the Commissioner and the other evidence before the committee, that the schools are not well attended, and that the expenditure is not required to the full extent of former appropriations. There are special reasons in each case which would have to be investigated before any conclusion would be arrived at with regard to the correctness of that statement. There have been reductions all along the line, but as to the



schools, it has generally been in cases where there has been a nonattendance of pupils and the establishment of other schools, which, in the opinion of the Commissioner and the committee, render larger appropriations unnecessary.

Mr. PLATT. The communication from the president of the Women's National Indian Association and the vice-president and the secretary of the Universal Peace Union makes the statement that the diminution of the total sum for all Indian schools is \$315,000, or more than \$231,000 less than the amount named as necessary by the Secretary of the Interior. It would hardly seem that a reduction of \$315,000 less than the amount appropriated last year for Indian education could be accounted for by diminution of appropriations in cases of schools where there has been a nonattendance of scholars.

The pupils in Government schools increased in 1891, 1,549; in 1892 over 1891, 1,981; in 1893 over 1892, 1,210. We have not the figures for 1894. But these figures show that there has been a gradual increase of Indian scholars, and I do not think there ought to be such a reduction.

Mr. HAWLEY. Is the appropriation of \$1,095,000 made in the bill \$231,000 less than was given last year?

Mr. PLATT. No; less than the amount recommended by the Secretary of the Interior.

Mr. HAWLEY. It is \$231,000 less than the amount named by the Secretary of the Interior.

Mr. President, speaking frankly, I do not believe that such a reduction is necessary. I do not believe it is justified by the circumstances. With the report of an increase in attendance and the general protest of the people who make a special study of the matter of Indian education and Indian progress against it, I think we ought to have some fair explanation as to why the Secretary of the Interior is cut down \$231,000. He is not to be charged with any undue sentimentality. It is not a mere fancy on his part that he recommends this sum of money. It is to be supposed that this Administration selects a specially capable man.

Mr. PLATT. The Secretary of the Interior cut down the amount \$75,000.

Mr. HAWLEY. The Commissioner of Indian Affairs is a capable man, and knows what he is about. As my colleague suggests to me, after the Secretary has cut down the appropriation \$75,000, then the committee cuts it down \$231,000.

Now, one of their reductions is in the appropriation for the Carlisle school. That is one of the schools which are a credit to American civilization. Capt. Pratt is like the late Gen. Armstrong, of Hampton, a man marvelously fitted for that kind of work. While he is full of what you may choose to call a sentimental enthusiasm upon this matter as Armstrong was, yet, like Armstrong, he is emphatically a man of what in common parlance is called horse sense. He is not wasting any money. He is making a profound impression upon a large body of Indian youths, who go back to their homes, and if 10 per cent of them go to the devil after they go home the money is still well invested.

I think it is a shame for the American people to go backward openly by a legislative decree in this splendid work. These people are our wards. We have done a great deal of foolish work in endeavoring to take care of them; but we happen to have been on the right track in this matter, and I am sure that the Democratic party will make nothing in the estimation of the morality and Christian civilization of this country by cutting down the Carlisle school, or by refusing to give the Secretary of the Interior by \$231,000 as much as he wants after he has reduced his recommendation \$75,000.

Mr. CALL. Mr. President, it is obviously impossible to form any intelligent judgment of the correctness of the action of the committee in this respect without examining each individual case. Whether a specific sum of money should be appropriated to a particular school depends upon the efficiency of that school, upon the number of pupils now and prospectively in the immediate future to be there, and it depends upon other schools. The various circumstances connected with each school will vary the appropriation from year to year. So in the large number of schools for which this appropriation is made it is impossible to judge of the reasons which actuated a majority of the committee without going to each particular school and considering the circumstances attending it.

The committee, however, acted upon the idea that the smallest amount of money which was capable of being used efficiently was the proper sum to appropriate in each case. It is obvious that unless we choose to go through the whole of the items, whether the aggregate amount shall be ascertained to be the correct amount or whether the estimate was the correct amount, that was the judgment of the committee as to each particular school making up the aggregate amount, which was reduced.

With regard to the appropriation for the Carlisle school, that is a proper subject of inquiry here. The chairman of the Committee on Appropriations will explain the reasons why the committee acted as it did in this particular instance. I wish to say a word in reference to the sectarian schools, as they are denominated.

Mr. PLATT. May I inquire a little further about the Carlisle school? I can not understand that. The appropriation for the Carlisle school has been cut down. The committee reports an increase of \$5,000. The item in last year's appropriation act is as follows:

For support of Indian industrial school at Carlisle, Pa., at not exceeding \$167 for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, \$105,000; with additional pay of military officer acting as superintendent, \$1,000: *Provided*, That not more than \$5,000 of this amount shall be used in repairing buildings: *And provided further*, That no more Indian children shall enter and be educated and supported at said school who have not attended some other school for a period of at least three years; in all, \$106,000.

The item on page 60 of the bill reads as follows:

For support of Indian industrial school at Carlisle, Pa., at not exceeding \$167 for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, \$105,000; for additional pay of military officer acting as superintendent, \$1,000; in all, \$106,000.

So I do not see why the appropriation is not precisely the same as it was last year.

Mr. CALL. It is. There was no reduction for the Carlisle school.

Mr. QUAY. Will the Senator from Florida in charge of the bill state what was the estimate for the present year for the Carlisle school? What was the amount recommended by the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. COCKRELL. I will read the estimate:

Support of Indian schools, \$1,000,000; transportation, \$10,000; superintendent, \$1,000; repairs, \$5,000; \$116,000.

Mr. PLATT. It was then cut down \$10,000 from the estimate?

Mr. CALL. Yes, from the estimate.

Some question was made here in regard to the appropriations in the bill, as there always is, for what is termed denominational schools. The committee had before it the protests of different denominations and associations from various portions of the country against any appropriations for what the memorialists term denominational or sectarian schools. The present Commissioner of Indian Affairs, as well as the former Commissioners, have endeavored to prevent any increase in appropriations for what are termed denominational schools. The policy of the Government does not recognize different religious sects, and the policy of the administration of the Indian Department has been to make no recommendation of appropriations for different denominations.

These appropriations are not to sectarian or denominational schools, but according to the estimate and the report of the Commissioner there have been schools throughout the country established by citizens of the United States out of their own means, in different portions of the Indian Territory. They are charitable associations, and in the absence of an adequate provision on the part of the Government and for the purpose, I suppose, of avoiding the very greatly increased expense of assuming the entire burden of education, and to encourage by the policy of the Government these charitable efforts, contracts have been made not with denominations, not with any particular form of religious belief, but with citizens of the United States, made in former Administrations and continued down from one Administration to another.

No adequate provision being made for the education of the entire body of the Indians, I presume it was found best, as was stated by the Senator from Connecticut, not to discontinue abruptly the appropriations where charitable institutions of any kind undertake to take care of the Indian children but to provide an education for them without any knowledge, or any inquiry, or any reference to whether it was an Episcopalian, or a Methodist, or a Baptist, or a Catholic institution. Dealing with it as an agency offering to educate these children as citizens of the United States associated for these charitable purposes, and not looking into the question whether they are of one form of religious belief or of any form of religious belief, the law authorizes the Secretary of the Interior and the Commissioner to make contracts for the education of these children.

Under this theory the schools were established; the present Administration finds they are in operation just as they were before; and in the absence of any other provision and in the interest of economy it has been thought proper that these contracts shall be made to do what? To carry out the existing contracts which rest upon the pledged faith of the Government more or less.



This I understand to be the justification of these appropriations. The Government has contributed to establish these schools not in money but by appropriating certain sums of money to pay for the education of these children. They are in existence and there is no adequate provision, and can not be, until some system shall be adopted looking into the future and taking effect in the future by which if it is possible to do so you can prohibit these denominational institutions from their voluntary use of their own money going into those sections of the country and educating the Indian children.

I find in the report of the Superintendent of Indian Schools the following:

In a previous annual report I said it was my opinion that as a whole the Government schools were the best, in respect to real scholarship. There are some very excellent contract schools, conducted by Presbyterians, Episcopalians, Roman Catholics, and Congregationalists; but none of them are quite equal to the best Government schools, though a few are not much behind. It is safe to say that the general average of the Government schools is above the general average of the contract schools.

I have little sympathy with the complaint that "religious exercises take too much time in the contract schools," and that in the Roman Catholic schools "about all the children learn are prayers, the catechism, and a little fancy work." I have heard this charged *ad nauseam*. In a few cases the charge has been justified by the facts; but in almost all cases, if I may accept the statements made to me, but little time in school hours is occupied with such exercises, particularly with the catechism. In a few instances, I have found occasion to object to the amount of time devoted to the catechism, and in no instance have my objections been discourteously treated. I do not think it the purpose of the Government, so long as it accepts the contract schools as they are conducted, to severely disparage the religious exercises. The prayers, scripture passages, and religious songs are helpful, not only in teaching the English words, but also elevated sentiments.

That I understand to be the policy in regard to this bill as in all former appropriation bills for the Indian Department.

Bishop Whipple, a Protestant, whose life has been devoted to the Indians, a minister of the gospel distinguished for his learning, his piety, and his eminent ability, opposed to sectarian or denominational schools, in a speech which is appended to the report of the Commissioner of Indian Affairs, Mr. Browning—a valuable and interesting report—says:

I have tried to make it the rule of my life that never, under any possible circumstances, would I be a party to presenting a divided Christianity to heathen folk. There was at this time a noble mission among the Sioux in the care of the Presbyterian Church, under the charge of two men, uncanonized saints. I allude to the venerable Dr. Williamson and the Rev. Dr. Riggs. They had a noble mission among the upper Sioux, but there were 2,500 Indians among the lower Sioux, where there was no mission; and when three of their chiefs came to me and said, "We have sold the Government 800,000 acres of our reservations, and we have waited for four years, and have not received one single penny, and we are entitled to \$8,000 a year for schools, and that money has been expended for six years, and yet there is not among our people a single child who has ever learned to read," I said that I would plant a mission there.

For two years, twice each year, I visited the Indian country. In the Ojibway country I traveled from 500 to 1,000 miles each year on foot or in a birch-bark canoe. I saw very little fruit. We gathered a little Christian company, and there were some gleams of light. Then there came that awful Indian massacre. Eight hundred white people slept in nameless graves. I supposed that our missionaries were murdered, and I never can forget the anxiety of heart as I sat in my study, with the tears running down my cheeks; and, when she who was more than my right arm, who is waiting for me now in Paradise, came and put her arms around my neck, and said, "Henry, you have forgotten something," I said, "What, my dear?" "You have forgotten that it is your business to do the work, and God will take care of the harvest." And so I began again. When we heard from the Indian country, so far as I know, there was not a single Christian Indian of the Presbyterian or of our own mission who was not as true as steel to his profession.

I know one man who comes to visit me still, an old man, who was a Christian. When Little Crow said he was going to join the English, and they would wipe out the people of Minnesota, this man said: "Tell them the truth. Tell them these English are ruled by a squaw who would not touch her little finger to his bloody hand." And they cried out, "Shoo him!" He opened his coat, and said, "Shoot!" But they saved 200 white women and children from death, and a fate worse than death. When we heard of their fidelity, we were overpaid a thousandfold.

But it was in that case as it has always been, that the hostile element were given rations, and were removed and cared for. And these men who had shown their bravery at the risk of their lives were left to the charge of the cold world or to starve.

I never shall forget the time when the Government put in my care the Sisseton Indians, who belong largely to the mission of the Presbyterian Church. There was a conflict between the two Houses of Congress. There was no confidence in the Indian agent. Money had been squandered. One day someone said: "Bishop Whipple has been living near those Indians. Let us put the money in his care; he will not steal it." And, to my surprise, I found myself in charge of a large body of Indians outside of my diocese. I telegraphed that I could not take the responsibility. I went to Washington, but Congress had adjourned; and the Secretary said, "If you do not take this money and help the Indians, they will starve to death." When I reached the agency the old Indian, Simon Anagnani, rose, trembling in every limb, and with tears running down his cheeks, said: "For days and days the earth has been iron, and the sky is as if it were iron, and we have cried, and God did not hear or answer, and we have reached out our hands, and we could not take hold of anything. We have looked into the faces of the Christian men at last, and I believe the Great Spirit has saved us."

There is another matter that I hardly know what to say about. I am sometimes afraid that we have made a terrible mistake; and then, again, it is always safe to stand on principle. I believe that every Christian man in the United States should avoid anything that looks like an alliance between state and church. Almost all of the religious bodies have voluntarily relinquished the aid which the Government gives to their schools. The school at Santee Agency is not there to teach Presbyterian theology; it is to teach

Indians the same things that they are taught at Carlisle. But, because it is supported by the American Missionary Association, it seemed to be sharing the position of Government patronage. So far as I know, I may be wrong.

I am afraid that to one body of this country quite as much money, and perhaps more, is being given as at any period of the history of the Government. If that is so, it ought not so to be. I know not what there may be in the future, but I do know this, that if we know how to work and wait, if we know how to sow the seed and believe God will give the harvest, there is no question about the future. And, when you get over to that country where you are going to meet those loved ones and see your beloved Master, there will be no comfort greater than to meet some one you have helped heavenward, homeward. Happy is the man or the woman that could have written over her grave the epitaph which I once read in the Basque Province of France: "Here lies Estelle, who, having spent her fortune in works of charity and love, which she sent before her to Heaven, has now gone there to enjoy them."

That, I think, is the explanation of this appropriation. Schools have been contracted for under an established policy of the Government, having no kind of reference to any form of religious belief, not contracts with Episcopalians, nor with Presbyterians, nor with Congregationalists, nor Catholics, but contracts with any kind of association of character, and conducted by men capable of educating these people, to educate such a number of these people as from year to year they may undertake to take care of; but in no case where there was adequate education, and in no case now where there are adequate opportunities for education in Government schools do I understand that there has been any appropriation whatever. I am fully in accord with the sentiment of the religious denominations on the subject, that church and state should be entirely separate.

Mr. GALLINGER. Mr. President, I do not want to be unnecessarily technical about this matter. I presume that the policy laid down in the bill is to be continued at least for another year. But I wish to express my conviction that it is high time that the Congress of the United States shall return to the doctrines which were laid down by the fathers of the Republic when they demanded that there should be a separation of church and state in this country. It is a doctrine which I hold myself, and which I think if submitted to the American people would receive their indorsement.

Yet in the matter of educating the Indians, notwithstanding the Senator from Florida disclaims that we are encouraging sectarian education, the facts are that we are doing that very thing, and the remarkable fact is shown by an examination of the statistics that one church in this country during the past eight years has received appropriations aggregating \$2,366,416, while fifteen other religious denominations have received only a little more than one-half of that amount.

Mr. CALL. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. CALL. It was no part of my purpose to disclaim that the influence of these appropriations is unequal and to the advantage of some churches over others. I spoke of the policy of the Government as it had come down to the present Administration, and whatever might be the effect of it, I said that although the committee might concur altogether with the opinion of the Senator from New Hampshire, and probably do, as to the propriety and necessity of a separation between church and state in all matters, they had no discretion in regard to this matter except to continue the appropriations or discontinue entirely the education of the Indians now going on in these charitable institutions; and the committee believed that the contracts which had been made before and came down to the present Administration were binding upon the Government, if not as a matter of law as a matter of good faith.

Mr. GALLINGER. I am disposed to believe that the statement made by the Senator from Florida is absolutely correct. The Senator from Connecticut [Mr. PLATT], who is interested in this matter, and who with myself is opposed to appropriating money for sectarian schools either in the Indian Territory or elsewhere in the United States, has made a very lucid statement covering that point, saying that in his opinion we can not with justice or propriety abandon the contract system at the present time. Mr. President, I shall make no attack upon any religious denomination. Those who know me best know that I can not bring myself to do that. But I feel bound to say that the Catholic Church in this country has received during the last eight years in appropriations from Congress for the education of Indians \$2,366,416, while fifteen other religious denominations have received \$1,400,000, or a little more than one-half the amount received by that one great religious organization.

In view of that fact it is not to be wondered at that other great religious denominations of this country have come to the conclusion that it is time to return, as I said, to the doctrines of the fathers, and no longer be parties to a reversal of the doctrine which was then laid down, that church and State in this country ought to be divorced and forever kept apart. The great Methodist Episcopal Church of the country, at Omaha, in their General Conference, in May, 1892, passed the following resolution:

Whereas the appropriation of public funds for sectarian purposes by the



National Government is not only wrong in principle, but in violation of both the letter and spirit of the Constitution of the United States: Therefore,

*Resolved*, That this General Conference of the Methodist Episcopal Church requests the missionary societies working under its sanction or control to decline either to petition for or to receive from the National Government any moneys for educational work among the Indians.

Following that action, the Woman's Home Missionary Society of the Methodist Episcopal Church, in its annual session at Grand Rapids, Mich., in October, 1892, passed a similar declaration. The General Assembly of the Presbyterian Church of the United States, at Portland, Oregon, in May, 1892, passed similar resolutions. Following that, the United Presbyterian Church of North America, at the meeting of their General Assembly in Allegheny, Pa., May 31, 1892, resolved—

That we protest against all Government appropriations for the denominational Indian schools and for other sectarian purposes as unconstitutional, and petition Congress to refuse all applications for such appropriations.

I will state that this denomination is not receiving Government appropriations.

Mr. PLATT. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. PLATT. According to the table which I have put in my remarks the highest sums paid the schools established under Roman Catholic auspices was in 1892, \$394,756.

Mr. GALLINGER. That is correct.

Mr. PLATT. The amount in 1893 was \$375,845, and in 1894 it was \$378,345. It seems to have increased a little in 1894. The Presbyterian denomination had its highest appropriation for schools in 1890, which was \$47,650.

Mr. GALLINGER. And in 1893, \$29,000.

Mr. PLATT. And in 1894, \$30,090. The Congregational denomination had its highest appropriation in 1889, which was \$29,310, falling off in 1894 to \$6,250.

The amount received by the Episcopal Church I gave when I was on my feet before, \$29,310, falling off in 1894 to \$7,020. The Quakers had the highest amount in 1887, \$27,845, falling off in 1894 to \$10,020. The Methodists discontinued the work entirely.

Mr. GALLINGER. And they never had very much.

Mr. PLATT. They had \$13,980 in 1892 and have had nothing since.

Mr. GALLINGER. That is correct.

Mr. PLATT. That is the statement of facts from the table.

Mr. GALLINGER. The entire appropriations received by the great Methodist Church in this country amounted to only about \$30,000. That is all the money that they have ever drawn, while the one other church to which I have alluded drew in the single year, 1892, \$394,756, and a still larger amount, I understand, is appropriated to them for the present year.

But in addition to the religious denominations to which I have alluded, the General Convention of the Protestant Episcopal Church, sitting as the Board of Missions, Baltimore, Md., October 19, 1892, has put itself on record against this system. The Board of Managers of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church December 13, 1892, declared against it.

The American Missionary Association of the Congregational Church in the annual session at Hartford, Conn., October 27, 1892, made a very strong declaration against the continuance of these appropriations for sectarian purposes. They close their declaration by quoting a form of amendment to the Constitution of the United States which they think ought to be adopted, and which I think ought to be adopted. I will read it:

No state shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use its property or credit, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination or religious society, or any institution, society, or undertaking, which is wholly, or in part, under sectarian or ecclesiastical control.

So it appears that four of the great religious denominations of this country have put themselves plainly and unqualifiedly on record against the system which we are continuing to perpetuate in our annual appropriation bills.

I wish to call attention to the fact that while our great political parties have made many declarations, which have been repudiated in Congress first and last, they have not forgotten the very question that is now under discussion. The Republican party in 1876 made a very strong declaration in these words:

The public school system of the United States is the bulwark of the American Republic, and with a view to its security and permanence, we recommend an amendment to the Constitution of the United States, forbidding the application of any public funds or property for the benefit of any schools or institutions under sectarian control.

The Democratic party met in national convention in 1876, thirteen days after the Republican party, and not to be outdone by their rivals they made a declaration in the following words:

We do here reaffirm \* \* \* our faith in the total separation of church and state, for the sake alike of civil and religious freedom—

And they refer to the public schools—

\* \* \* which the Democratic party has cherished from their foundation, and is resolved to maintain, without prejudice or preference for any class, sect, or creed, and without largesses from the Treasury to any.

I wish that we might live up to those declarations of the two great political parties in the country in this matter. They were right when they made those declarations, and the Congress of the United States is doing violence to a principle which was enunciated at the very beginning of the Government, when they take money from the Treasury of the United States and appropriate it for sectarian purposes, I care not what church or religious society is benefited by it.

I wish to call attention to one of the most remarkable documents in the form of a petition that has ever been presented to the Congress of the United States. It is from the National League for the Protection of American Institutions. They petitioned, I understand, the Fifty-first, Fifty-second, and Fifty-third Congresses concerning the matter of appropriating money for sectarian purposes in connection with our Indian system.

It is signed by hundreds of men from different parts of the country. I am almost tempted to read the names, but will not do so. I will call attention, however, to the officers:

William H. Parsons, president; William Strong, vice-president; James M. King, general secretary; William Fellowes Morgan, treasurer.

Board of managers: George S. Baker, George T. Balch, Henry K. Carroll, Churchill H. Cutting, Peter Donald, Dorman B. Eaton, W. W. Hoppin, John Jay, James M. King, James McKean, George D. Mackay, Thomas J. Morgan, William Fellowes Morgan, William H. Parsons, John Sinclair, John D. Slayback, Josiah Strong, Peter A. Welch.

Law committee: William Allen Butler, Dorman B. Eaton, Cephas Brainard, Henry E. Howland, Wheeler H. Peckham.

Among the honorary officers I will name only a few: Charles Kendall Adams, LL.D., Madison, Wis.; Hon. Sherman W. Adams, Hartford, Conn.; Rev. Bishop E. G. Andrews, D. D., LL.D., New York City, N. Y.; Hon. Hubert H. Bancroft, San Francisco, Cal.; Rev. William A. Bartlett, D. D., Washington, D. C.; Gen. Henry V. Boynton, Washington, D. C.; Rev. Bishop Thomas Bowman, D. D., LL.D., St. Louis, Mo.; Hon. Addison Brown, New York City, N. Y., and so on through the list. I will ask permission to insert the petition and the names thereto attached as part of my remarks.

A petition concerning sectarian appropriations for Indian education.

[A careful perusal is respectfully requested.]

To the Congress of the United States:

The National League for the Protection of American Institutions petitioned both sessions of the Fifty-first and Fifty-second Congresses concerning sectarian appropriations by the National Government for Indian education.

The league now addresses the following petition to the Fifty-third Congress concerning Indian appropriation bills.

The league petitions against the violation of the American principle of the separation of church and state which is involved in making any sectarian appropriations for Indian education.

The highest official bodies of the Congregational, the Methodist Episcopal, the Presbyterian, and the Protestant Episcopal Churches have determined to withdraw their applications for funds from the United States Treasury, because of the principle which they now see is involved in this dangerous practice, and they propose henceforth to support their own schools without Government aid.

The league petitions that the General Government now adopt a definite, permanent, and uniform principle, in accord with the spirit of the United States Constitution, for advancing education among the Indians on the basis of the American free common school system, in order that the dangers involved in departure from the American principle of keeping separate and distinct the functions of church and state be no more fostered by any actions of the General Government.

Officers: William H. Parsons, president; William Strong, vice-president; James M. King, general secretary; William Fellowes Morgan, treasurer.

Board of Managers: George S. Baker, George T. Balch, Henry K. Carroll, Churchill H. Cutting, Peter Donald, Dorman B. Eaton, W. W. Hoppin, John Jay, James M. King, James McKean, George D. Mackay, Thomas J. Morgan, William Fellowes Morgan, William H. Parsons, John Sinclair, John D. Slayback, Josiah Strong, Peter A. Welch.

Law Committee: William Allen Butler, Dorman B. Eaton, Cephas Brainard, Henry E. Howland, Wheeler H. Peckham.

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Now, this is a very serious matter. It concerns the rights of the American people so far as the appropriation of their money is concerned. Notwithstanding the Senator from Florida has disclaimed that these appropriations are made for sectarian purposes, I believe it is in contravention of the spirit at least of the Constitution of the United States; and were it not that wrong would come to established schools which have been encouraged and perpetuated by this false system I should certainly move a proviso to the effect that this money shall be used exclusively for other than sectarian purposes. I do not believe the Congress of the United States can long stand upon the ground we occupy today. There is already a gathering storm in this country against this matter of appropriating money for sectarian purposes. That storm may break before a great while upon the Congress and the people of the United States. The principle is wrong. That principle will have to be reversed sooner or later, and in my opinion the sooner it is done the better it will be for the rights and the liberties of the American people.

Mr. President, I have a single additional remark, and that is, that if I can find time to formulate a motion to recommit this bill with proper instructions to the Committee on Appropriations, with a view to getting rid of this abnormal and unjust condition of things in the near future, without doing detriment to contracts already made, I shall, when the bill comes into the Senate, submit that motion. If I do that, as I hope to do, I trust that Senators will lay aside all prejudice, all prepossession, and come to a conclusion that it is time at least that we made a starting point in remedying an evil which has grown upon our system and which, as I before stated, is in contravention of the spirit, if not of the letter, of the Constitution of our country.

Mr. CALL. Mr. President, there is not a member of the Committee on Appropriations who does not agree with the Senator from New Hampshire [Mr. GALLINGER], that whenever it is possible to do so, in deference to the growing public sentiment of this country, it would be better that all Indian schools should be under the direct control of the Government. He does not differ from the committee in that respect, nor the committee from him. The public opinion of this country, of the great masses of the religious people of all churches, is opposed, I believe, to the policy of sectarian schools.

The question, however, is, What can the Committee on Appropriations do? These contracts have been made; these schools are established. Suppose you did establish a Government school to-day right alongside of one of these denominational institutions, as they are termed, would the children be taken away unless you used force? Would they not have a discretion to attend them? Would it be proper for the Committee on Appropriations or for the Senate suddenly to adopt a system in this country to do away with all the schools which are to be found there



or leave them entirely to the spasmodic influences of private charity?

To show the condition the Committee on Appropriations is in, and the Senate is in, I desire to read upon this subject the statement of a man whose life has been devoted to the interests of the Indians and to Indian education, a man who favors the idea that there should be no sectarian schools, but who states candidly the difficulties in the way of the subject, not only on the part of Congress, but on the part of the denominations and religious associations themselves. In a history of the proceedings of the convention of the board of Indian Commissioners held at Lake Mohonk, attached to the Report of the Commissioner of Indian Affairs for the year 1893, on page 1035, I find the following in the address of Bishop Whipple:

There is another matter that I hardly know what to say about. I am sometimes afraid that we have made a terrible mistake; and then, again, it is always safe to stand on principle. I believe that every Christian man in the United States should avoid anything that looks like an alliance between State and church. Almost all of the religious bodies have voluntarily relinquished the aid which the Government gives to their schools. The school at Santee Agency is not there to teach Presbyterian theology; it is to teach Indians the same things that they are taught at Carlisle. But, because it is supported by the American Missionary Association, it seemed to be sharing the position of Government patronage.

So far as I know, I may be wrong. I am afraid that to one body of this country quite as much money, and perhaps more, is being given as at any period of the history of the Government. If that is so, it ought not so to be. I know not what there may be in the future, but I do know this, that, if we know how to work and wait, if we know how to sow the seed and believe God will give the harvest, there is no question about the future. And, when you get over to that country where you are going to meet those loved ones and see your beloved Master, there will be no comfort greater than to meet some one you have helped heavenward, homeward. Happy is the man or woman that could have written over her grave the epitaph which I once read in the Basque Province of France: "Here lies Estelle, who, having spent her fortune in works of charity and love which she sent before her to Heaven, has now gone there to enjoy them."

He proceeds further on another page of the report to say.

I never shall forget the time when the Government put in my care the Sisseton Indians, who belong largely to the mission of the Presbyterian Church. There was a conflict between the two Houses of Congress. There was no confidence in the Indian agent. Money had been squandered. One day some one said: "Bishop Whipple has been living near those Indians. Let us put the money in his care; he will not steal it." And, to my surprise, I found myself in charge of a large body of Indians outside of my diocese. I telegraphed that I could not take the responsibility. I went to Washington, but Congress had adjourned; and the Secretary said, "If you do not take this money and help the Indians they will starve to death." When I reached the agency the old Indian, Simon Anagnani, rose, trembling in every limb, and with tears running down his cheeks, said: "For days and days the earth has been iron, and the sky is as if it were iron, and we have cried, and God did not hear or answer, and we have reached out our hands, and we could not take hold of anything. We have looked into the faces of the Christian men at last, and I believe the Great Spirit has saved us."

I suppose that neither the Senator from New Hampshire nor any religious denomination in this country would say that this action of Bishop Whipple, a Protestant, opposed to the continuance of sectarian schools, was not exactly what ought to have been done, and that the schools established and the care of the Indians, which he carries with him, ought not to be suddenly displaced by the Government.

The contracts made were certainly obligatory, and the existing contracts are now obligatory. They are not made by the Committee on Appropriations; they are not made by the Senate; they are not made by the House of Representatives; they have been made by the Executive, the administrative department of the Government. Bishop Whipple was sent there, and being there a missionary to the Indians, he found that the interests of honest administration could best be conserved by a citizen of the United States of character, and probably because of his religious character and associations.

So the committee have no responsibility whatever for these provisions in the bill, and I believe every member of the committee is favorable to the idea of an entire separation of these schools from all sectarian or religious connections, but they have no authority in this matter unless they encroach upon the administration of the Government in its executive functions and arbitrarily set aside the contracts which have been made.

For myself, I am entirely of the opinion that these schools ought not to be sectarian, just as Bishop Whipple was of that opinion; but we find ourselves in this condition, and the committee disclaim any responsibility whatever for these appropriations. They are made in pursuance of laws which are obligatory on us and on the House, and to pay money contracted for and recommended by the proper executive authority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, line 23, after the word "fund," to strike out—

And also provided, That \$3,000 of the amount hereby appropriated shall be expended in the construction of school buildings for the Cherokee Training School at Cherokee, N. C.: *Provided*, That so much of the appropria-

tions, made in this bill for the payment of agents, as shall not be required for that purpose, is hereby made available for educational purposes to be added to the \$1,070,000 already appropriated and used for the same purpose, if required.

The amendment was agreed to.

The next amendment was, on page 59, line 24, before the word "hundred," to strike out "four" and insert "two;" in the same line, after the word "dollars," to insert "for construction of school buildings, \$3,000;" and on page 60, line 1, before the word "hundred," to strike out "fourteen thousand seven" and insert "seventeen thousand five;" so as to make the clause read:

For support and education of eighty pupils at the Cherokee Training School, at Cherokee, N. C., at \$167 per annum each, \$13,360; for pay of superintendent, \$1,200; for construction of school buildings, \$3,000; in all, \$17,560.

The amendment was agreed to.

The next amendment was, on page 60, line 70, before the word "thousand," to insert "and five;" and in the same line, after the word "dollars," to insert "for additional pay of military officer acting as superintendent, \$1,000; in all, \$106,000; so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding \$167 for each pupil, for transportation of pupils to and from Carlisle school, and for the repair of buildings, \$105,000; for additional pay of military officer acting as superintendent, \$1,000; in all, \$106,000.

Mr. QUAY. Mr. President, on that amendment I ask the Senator in charge of the bill, if we can not have the \$10,000 additional estimated for by the Secretary of the Interior, to consent to give at least half of it for the Carlisle industrial school, so as to appropriate \$110,000 instead of \$105,000? I trust there will be no objection to that increase on the part of the committee.

Mr. CALL. I shall not object if the other members of the committee do not.

The PRESIDING OFFICER. The Chair understands the Senator from Pennsylvania to move to amend the amendment of the committee in line 7, by striking out the word "five" and inserting "ten."

Mr. QUAY. Yes, and the amendment is accepted by the committee.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 7, before the word "thousand" it is proposed to strike out "five" and insert "ten;" so as to make the amount \$110,000.

The amendment to the amendment was agreed to.

Mr. QUAY. I move to increase the total from "\$106,000" to \$111,000, so as to conform to the amendment which has just been made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 61, line 10, after the words "per annum," to insert "and said superintendent shall give bond with approved security and act as agent of the Santee Indians located at Flandreau, and while so acting shall be allowed a clerk at the yearly rate of \$500, which amount is hereby appropriated."

Mr. COCKRELL. The committee desire that amendment to be disagreed to.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 16, on page 61, after the word "dollars," to insert "to procure a permanent water supply for the school, \$1,000, or as much thereof as may be necessary;" and before the word "hundred," in line 19, to strike out "twenty-nine thousand one," and insert "thirty thousand six;" so as to make the clause read:

For support and education of 150 Indian pupils at Flandreau, S. Dak., at \$167 per annum each, \$25,050; for pay of superintendent of said school, \$1,500 per annum; for pay of one assistant matron, \$600 per annum; general repairs and erection of outhouses, \$2,000; to procure a permanent water supply for the school, \$1,000, or as much thereof as may be necessary; in all, \$30,650.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert:

For the repair of the church and building used for school purposes on the San Xavier Reservation, in the Territory of Arizona, \$1,000.

Mr. PLATT. I should like some explanation of this proposed amendment. That is not a Government school, is it?

Mr. COCKRELL. That amendment applies to an old Greek church, which is said to be the oldest church in America. It is a question as to whether it is not as old or older than the building at Santa Fe. It is used in connection with the schools. It is a building of rare architecture, and it needs some repairs. The roof is covered with tiles, and repairs are needed there, and owing to the length of time which has elapsed since its con-



struction, the stone near the foundation is disappearing, and some additional repairs are needed there. The building is said to be a work of rare architectural skill. The Senator from Colorado [Mr. TELLER], who visited it in person, insisted that this amendment should be made, even if the building were not used for school purposes.

Mr. PLATT. The real object of the appropriation, then, is to preserve a building which is one of our antiquities at the present time?

Mr. CALL. That is it.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Florida to line 19, on page 61. The Senate having disagreed to the amendment from line 10 to line 14, the Chair suggests that the word "six," before the word "hundred," should be changed to "one," so as to read \$30,100.

Mr. COCKRELL. Let "six" be stricken out and "one" inserted.

The PRESIDING OFFICER. If there be no objection, the vote by which the amendment in line 19, on page 61, was agreed to will be regarded as reconsidered, and the word "six" stricken out and "one" inserted. The Chair hears no objection, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, line 1, after the word "fencing," to strike out "in entire building plant;" so as to make the clause read:

For support and education of 150 Indian pupils, at \$167 per annum each, at Grand Junction, Colo., \$25,050; for pay of superintendent at the Indian school, \$1,500 per annum; for general repairs, \$500; fencing, painting, \$985; cisterns, cesspools, and sewerage, \$500; in all, \$28,235.

The amendment was agreed to.

The next amendment was, on page 63, line 23, after the words "per annum," to strike out "general repairs, \$1,000; construction of laundry, \$500; construction of storage building, \$2,000," and insert "construction of buildings and general repairs, \$3,500;" so as to make the clause read:

For support and education of one hundred and fifty Indian pupils at Mount Pleasant, Mich., at \$150 per annum each, \$22,500; for pay of superintendent, \$1,500 per annum; construction of buildings and general repairs, \$3,500; in all, \$27,500.

The amendment was agreed to.

The next amendment was, on page 66, line 7, before the word "dollars," to insert "five hundred;" and in line 8, before the words "and fifty," to strike out "twenty-eight thousand five hundred," and insert "twenty-nine thousand;" so as to make the clause read:

For support and education of one hundred and fifty Indian pupils at Santa Fe, N. Mex., at \$167 per annum each, \$25,050; for pay of superintendent of said school, \$1,500 per annum; for general repairs, \$1,000; water supply for irrigation and fire protection, \$1,500; in all, \$29,050.

The amendment was agreed to.

The next amendment was, on page 66, after line 17, to strike out:

For the purpose of conducting negotiations with the Shoshone and Arapaho Indians for the sale and relinquishment of certain portions of their reservation in the State of Wyoming to the United States, under charge of a commissioner to be appointed by the Secretary of the Interior, there shall be appropriated the sum of \$2,000, to become immediately available: *Provided*, That the pay of said commissioner shall not exceed \$6 per day and necessary traveling expenses: *And provided further*, That any agreement entered into for said lands shall be ratified by Congress before it becomes binding: *Provided*, That the Secretary of the Interior shall detail immediately one or more of the five Indian inspectors to make said treaty.

The amendment was agreed to.

The next amendment was, on page 67, after line 19, to insert:

That in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation.

Mr. PLATT. I suggest that in line 22 of the amendment, on page 67, after the word "taken," to insert "or who may hereafter take."

Mr. CALL. That amendment to the amendment is accepted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting after the word "taken," in line 22, on page 67, the words "or may hereafter take."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 68, line 3, after the words "direction of the," to strike out "Commissioner of Indian Affairs" and insert "Secretary of the Interior;" and, in line 7, after the word "him," to strike out "subject to the approval of the Secretary of the Interior;" so as to make the clause read:

That the expenditure of the money appropriated for school purposes in this act shall be at all times under the supervision and direction of the

Secretary of the Interior, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may from time to time be prescribed by him.

The amendment was agreed to.

The next amendment was, on page 68, line 9, after the words "Sec. 2," to insert:

That the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the several Indian tribes interested therein, the face value of certain nonpaying State bonds or stocks, including certain abstracted bonds described on pages 153 and 154 of Annual Estimates for the fiscal year ending June 30, 1895 (House Executive Document No. 5, Fifty-third Congress, second session), to draw interest at the rate of 5 per cent per annum, as provided by the act of April 1, 1880; and thereupon said State bonds or stocks shall become the property of the United States.

The amendment was agreed to.

The next amendment was, in section 3, on page 69, line 17, after the words "construction of," to insert "artesian wells;" and on page 70, in line 4, before the word "thousand," to strike out "fifty" and insert "ten;" so as to read:

SEC. 3. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate \$500 in value, at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding \$3,000 at any one purchase: *Provided*, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market.

The amendment was agreed to.

The next amendment was, in section 4, on page 70, line 6, after the word "That," to strike out "so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1895, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1894. And;" and in line 18, after the word "male," to strike out "Provided, That these contracts" and insert "and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year and;" so as to read:

SEC. 4. That hereafter the Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made, and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year, and shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Congress fails to make an appropriation for such contract for the fiscal year for which those supplies are required.

The amendment was agreed to.

The next amendment was, on page 74, after line 8, to strike out section 11, as follows:

SEC. 11. That no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. Nor shall any Indian child be sent to a school more than 40 miles beyond the reservation of the tribe to which he or she belongs until after said child shall have attended school on some Indian reservation for at least four years.

The amendment was agreed to.

The next amendment was, on page 74, after line 22, to insert as a subheading:

AGREEMENT WITH THE YANKTON SIOUX OR DAKOTA INDIANS, IN SOUTH DAKOTA.

The amendment was agreed to.

The next amendment was, on page 74, line 25, after the word "Section," to strike out "12" and insert "11;" and on page 75, line 14, after the word "confirmed," to strike out "with the modifications, changes, and conditions hereinafter set forth;" so as to make the section read:

SEC. 11. The following agreement, made by J. C. Adams and John J. Cole, commissioners on the part of the United States, with the chiefs, headmen, and other male adults of the Yankton tribe of Sioux or Dakota Indians upon the Yankton Reservation, in the State of South Dakota, on the 31st day of December, 1892, and now on file in the Department of the Interior, and signed by said commissioners on behalf of the United States, and by Charles Martin, Edgar Lee, Charles Jones, Isaac Hepikigan, Stephen Cloud Elk, Edward Yellow Bird, Iron Lingthing, Eli Brockway, Alex Brunot, Francis Willard, Louis Shunk, Joseph Cafe, Albion Hitika, John Selwyn, Charles Ree, Joseph Cook, Brigham Young, William Highrock, Frank Felix, and Philip Ree, on behalf of the said Yankton tribe of Sioux Indians, is hereby accepted, ratified, and confirmed.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24 on page 86.

Mr. PLATT. Will the Senator in charge of the bill give me his attention for a moment? The matter beginning with line 24 on page 86, and going to the end of line 3 on page 87, ought to be stricken out. I do not want to have an enacting clause



put in the middle of a bill. The ratification of the agreement with the Yankton Sioux is already contained on page 75.

Mr. COCKRELL. The Senator from Connecticut is not correct in that respect. It is very proper that those words should go in on page 86, where they are. The first clause is a ratification, and then we enact provisions specifically in regard to it. We put the enacting words in there to show that what follows is not a part of the agreement which is copied there. It is the rule which has been pursued in all the other Indian appropriation acts.

Mr. PLATT. I do not believe the Senator will find an enacting clause in the middle of an appropriation act anywhere.

Mr. COCKRELL. We thought we did find it in all of them.

Mr. CALL. It can be corrected afterwards if the Senator from Connecticut desires.

Mr. PLATT. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 87, line 3, after the word "confirmed," to strike out:

As modified as follows:

First. That the sum of \$10,000, or so much thereof as may be necessary to be paid to the adult members of said tribe as provided in article 7 of said agreement, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the same shall be immediately available, and shall be applied in carrying out the provisions of the said seventh section of said agreement. And the sum of \$11,475 shall be appropriated, as provided in article 15 of said agreement, upon the ratification of the changes of said articles of agreement, as provided in this act by said Yankton tribe of Sioux Indians.

That of the first proceeds of the lands ceded by said tribe to the United States \$100,000 shall be set apart, not to be covered into the Treasury, and shall be placed by the Secretary of the Treasury in charge of the Secretary of the Interior, on his requisition, to carry into effect the provisions of the third article of said agreement; and the Secretary of the Interior shall cause the said sum to be divided among the members of said tribe per capita, as contemplated by the said article, and such distribution shall be made within thirty days from the opening of said lands to settlement; and if the whole of said sum shall not have been received as proceeds of said lands, the remainder shall be immediately distributed, when, with the sum before distributed, it amounts to \$100,000. And the sum of \$500,000, the residue of the proceeds of said land, shall be placed to the credit of said tribe of Indians, and shall bear interest at the rate of 4 per cent per annum, said interest to be paid and distributed to said tribe as provided in articles 5 and 6 of said agreement: *Provided*, That none of the money to be paid to said Indians under the terms of said agreement, nor any of the interest thereon, shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of said agreement.

And in lieu thereof to insert:

That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$600,000, or so much thereof as may be necessary, of which amount the sum of \$500,000 shall be placed to the credit of said tribe in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum from the 1st day of January, 1893, said interest to be paid and distributed to said tribe as provided in articles 5 and 6 of said agreement. Of the amount herein appropriated \$100,000 shall be immediately available, to be paid to said tribe as provided in section 1 of Article 3 of said agreement. There is also hereby appropriated the further sum of \$10,000, or so much thereof as may be necessary, which sum shall be immediately available, to be paid to the adult male members of said tribe, as provided in article 7 of said agreement. There is also hereby appropriated the further sum of \$11,475, which sum shall be immediately available, to be paid as provided in article 15 of said agreement: *Provided*, That none of the money to be paid to said Indians under the terms of said agreement, nor any of the interest thereon, shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of said agreement.

The amendment was agreed to.

The next amendment was, on page 89, line 18, before the word "That," to strike out "Second;" in line 22, after the "words United States," to strike out "(except section 2301 of the Revised Statutes, which shall not apply);" on page 90, line 4, after the word "shall," to strike out—

before making final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of \$3.75 per acre, one-half of which shall be paid within three years from the date of this original entry.

And insert

"in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of \$3.75 per acre, of which sum he shall pay 50 cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry.

And in line 18, after the word "aforesaid," to strike out:

*Provided however*, That each settler shall be limited to 80 acres in amount, but after the expiration of six months from the opening of said lands to settlement, may take an additional 80 acres from any of the lands of said tract then subject to entry: *And provided further*, That after three years' actual and continuous residence upon said land from date of settlement, the settler shall, upon full payment of \$3.75 per acre, receive patent for the tract entered: *Provided*, That settlement shall be made under this act within thirty days from date on filing on land. That the right of commutation is extended to all bona fide homestead settlers on the lands in Oklahoma Territory opened to settlement under the provisions of the act of Congress, entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894," approved March 3, 1893, and the President's proclamation in pursuance thereof, after fourteen months from date of settlement, upon the payment for the lands as provided in said act.

So as to make the clause read:

That the lands by said agreement ceded to the United States shall, upon proclamation by the President, be opened to settlement, and shall be sub-

ject to disposal only under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of the State of South Dakota: *Provided*, That each settler on said lands shall, in addition to the fees provided by law, pay to the United States for the land so taken by him the sum of \$3.75 per acre, of which sum he shall pay 50 cents at the time of making his original entry and the balance before making final proof and receiving a certificate of final entry; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

The amendment was agreed to.

The next amendment was, on page 91, after line 13, to strike out:

Third. That any person who was not the owner of land in any State or Territory of the United States at date of passage of this act may make an entry of the lands opened to settlement under the provisions of this act, although said person may have heretofore made an entry under the provisions of the homestead law: *Provided*, That said person is not otherwise disqualified.

That the changes of said agreement provided for in this section shall be deemed ratified and agreed to by said Yankton tribe of Sioux Indians when three-fourths of those who signed said agreement shall individually sign an agreement assenting to said changes and accept and receive the payment each, as provided to be paid in article 7 of said agreement.

Fourth. That immediately after the passage of this act the Secretary of the Interior shall prescribe rules and regulations to procure the ratification by said Yankton tribe of Sioux Indians to the changes in said agreement, as provided for in section 1 of this act, and shall without delay, upon the agreement of said Indians to said changes, under such regulations as he may prescribe, open said lands to settlement, provided the settlers upon said land shall be required to pay 75 cents per acre at the time of filing upon same: *Provided*, That the proclamation of the President opening said lands to settlement, as provided in section 3 of this act, shall be issued within thirty days after the ratification of the changes in said agreement by said Indians, as provided in section 1 of this act, and that said proclamation shall be issued giving at least sixty days notice of the date said lands will be open to settlement.

Mr. COCKRELL. The provisions proposed to be stricken out relate to an entirely different matter from the treaty. They have no connection with the treaty, directly or indirectly, although injected into the midst of this matter. We therefore propose to strike them out, and the part which ought to be retained we put in as an additional section at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 92, line 19, before the word "that," to strike out "fifth;" so as to make the clause read:

That the Secretary of the Interior, upon proper plats and description being furnished, is hereby authorized to issue patents to Charles Picotte and Felix Brunot, United States interpreters, for not to exceed 1 acre of land each, so as to embrace their houses near the agency buildings upon said reservation, but not to embrace any buildings owned by the Government, upon the payment by each of said persons of the sum of \$3.75.

Mr. COCKRELL. I move to amend the amendment by inserting in line 21, after the name "Brunot," the words "and W. T. Selwyn."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment was, on page 93, after line 2, to strike out:

Sixth. That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands allotted under the provisions of this act shall be punishable by imprisonment for not more than two years and by a fine of not more than \$300. And Article XVII of the agreement is modified by this section.

And to insert:

That every person who shall sell or give away any intoxicating liquors or other intoxicants upon any of the lands by said agreement ceded, or upon any of the lands included in the Yankton Sioux Indian Reservation as created by the treaty of April 19, 1858, shall be punishable by imprisonment for not more than two years and by a fine of not more than \$300.

The amendment was agreed to.

The next amendment was, on page 93, after line 16, to insert:

That any person who was not the owner of over 40 acres of land in any State or Territory of the United States on the 1st day of January, 1894, may make an entry of the lands opened to settlement under the provisions of this act, although said person may have heretofore made an entry under the provisions of the homestead law: *Provided*, That said person is not otherwise disqualified.

Mr. PLATT. Does the committee desire to insist upon this amendment?

Mr. COCKRELL. It was in the original proposition I think. It was proposed by the other House, and we had to strike it out where it was because it was not in the proper place. We simply propose to reinsert it here.

Mr. PLATT. Where does it appear in the bill as it came from the other House?

Mr. COCKRELL. On page 91, as the third provision. It ought not to have gone in as a part of this matter, but as a regulation. If the Senator from Connecticut objects to it we shall not insist upon the amendment.

Mr. PLATT. I doubt whether we ought to make a different provision in the opening of one of these reservations from what



is contained in the general land laws of the United States. There has been a great deal of controversy over the question as to whether the entire land laws ought not to be changed in that respect.

Mr. CALL. I accept the Senator's suggestion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. COCKRELL. Let the amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was at the top of page 94, to insert the following heading:

AGREEMENT WITH THE YAKIMA NATION OF INDIANS IN WASHINGTON.

The amendment was agreed to.

The next amendment was, on page 109, line 24, after the word "confirmed," to strike out:

First. The sum of \$10,000 to be paid said Indians as provided in Article II of said agreement, as herein modified, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the same be immediately available and shall be applied in carrying out the provisions of said article, and the sum of \$100,000 shall be hereafter appropriated, when said Indians shall approve and ratify the amendments made by this act in said agreement, which sum of money shall be deposited in the Treasury of the United States to the credit of the Indians of the Siletz Reservation as provided in Article II of said agreement. That of the proceeds of the lands ceded by said Indians \$32,600 shall be set apart not to be covered into the Treasury, and shall be placed by the Secretary of the Treasury in charge of the Secretary of the Interior, on his requisition, to carry into effect the provisions of Article II of said agreement and the moneys shall be divided per capita among the members of the tribe as provided in said article.

And to insert:

That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$142,600, which sum of money shall be paid to the Indians in the manner and form prescribed by articles 2 and 3 of the agreement.

The amendment was agreed to.

The next amendment was, on page 111, line 8, after the word "depredations," to strike out:

And provided further, That sections 16 and 36 of the lands ceded and relinquished by said agreement are hereby confirmed to the State of Oregon for the support of the common schools of said State under the limitations prescribed by law.

And in line 12, before the word "mineral," to insert "the."

The amendment was agreed to.

The next amendment was, on page 112, line 3, before the words "per cent," to strike out "four" and insert "five;" in the same line, after the words "after the," to strike out "ratification" and insert "passage;" and in line 4, after the word "act," to strike out "by said Indians;" so as to make the clause read:

That all of the money so held by the United States to pay the delayed payments shall draw interest at the rate of 5 per cent per annum after the passage of this act.

The amendment was agreed to.

The reading of the bill was continued to the end of line 12, on page 112.

Mr. COCKRELL. On page 112, after the word "shall," in line 6, I move to strike out down to and including the word "changes" in line 10; and in line 11, before the word "sixty," to insert "proclamation by the President and."

The SECRETARY. On page 112, line 6, after the word "shall," it is proposed to strike out:

Prescribe rules and regulations to procure the ratification by said Indians of the Siletz Reservation to the changes in said agreement, as provided for in this act, and shall without delay, upon the agreement of said Indians to said changes.

And in line 11, before the word "sixty," to insert "proclamation by the President and;" so as to make the clause read:

That immediately after the passage of this act the Secretary of the Interior shall, under such regulations as he may prescribe, open said lands to settlement after proclamation by the President and sixty days' notice.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 112, after line 12, to insert:

AGREEMENT WITH THE NEZ PERCE INDIANS IN IDAHO.

SEC. 15. Whereas Robert Schleicher, James F. Allen, and Cyrus Beede, duly appointed commissioners on the part of the United States, did on the 1st day of May, 1893, conclude an agreement with the principal men and other male adults of the Nez Perce tribe of Indians, upon the Lapwai Reservation, in the State of Idaho, which said agreement is as follows:

Whereas the President, under date of October 31, 1892, and under the provisions of the act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, authorized negotiations with the Nez Perce Indians in Idaho for the cession of their surplus lands; and

Whereas the Nez Perce Indians are willing to dispose of a portion of the tract of land in the State of Idaho reserved as a home for their use and occupation by the second article of the treaty between said Indians and the United States, concluded June 9, 1863:

Now, therefore, this agreement made and entered into in pursuance of the provisions of said act of Congress approved February 8, 1887, at the Nez

Perce Agency, by Robert Schleicher, James F. Allen, and Cyrus Beede, on the part of the United States, and the principal men and male adults of the Nez Perce tribe of Indians located on said Nez Perce Reservation, witnesseth:

#### ARTICLE I.

The said Nez Perce Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of said reservation, saving and excepting the following described tracts of lands, which are hereby retained by the said Indians, viz:

In township 34, range 4 west: Northeast quarter, north half and southeast of northwest quarter, northeast quarter of southwest quarter, north half and east half of southwest quarter, and the southeast quarter of southeast quarter, section 13, 440 acres.

In township 34, range 3 west: Sections 10, 15, 36, 1,920 acres.

In township 33, range 3 west: Section 1; northwest quarter of northeast quarter, north half of northwest quarter section 12, 760 acres.

In township 35, range 2 west: South half of northeast quarter, northwest quarter, north half and southeast quarter of southwest quarter, southeast quarter section 3; east half, east half of northwest quarter, southwest quarter section 10; section 11; north half, north half of south half, section 21; east half of northeast quarter, section 20; sections 22, 27, 35, 4,200 acres.

In township 34, range 2 west: North half, southwest quarter, north half and southwest quarter and west half of southeast quarter of southeast quarter, section 13; section 14; north half section 23, west half of east half and west half of northeast quarter, northwest quarter, north half of southwest quarter, west half of east half and northwest quarter and east half of southwest quarter of southeast quarter, section 24; section 29, 2,700 acres.

In township 33, range 2 west: West half and southeast quarter section 6; sections 16, 22, 27; north half and north half of south half section 34, 2,880 acres.

In township 34, range 1 west: West half section 2; sections 3, 4; north half and southwest quarter section 8; north half section 9; north half and north half of southwest quarter section 18; northwest quarter section 17, 2,900 acres.

In township 37, range 1 east: Section 20; section 21, less south half of south half of southwest quarter of southeast quarter (10 acres), 1,270 acres.

In township 36, range 1 east: South half of sections 3, 4; sections 11, 12, 1,920 acres.

In township 35, range 2 east: Sections 16, 17, 18, 20; all of section 25 west of boundary line of reservation; sections 26, 27, 4,240 acres.

In township 35, range 2 east: North half of sections 16, 17, section 27; north half of section 34, 1,600 acres.

In township 31, range 2 east: East half and east half of west half of southeast quarter section 24, 100 acres.

In township 34, range 3 east: South half of sections 19, 20; north half; north half of south half; southwest quarter and north half of southeast quarter of southwest quarter; north half of south half of southeast quarter section 23; north half; north half and north half of southwest quarter and southeast quarter of southwest quarter; southeast quarter section 24; north half and southeast quarter of northeast quarter; north half of northwest quarter section 25; south half of northeast quarter of northeast quarter section 26; section 29; northeast quarter of northeast quarter and south half section 30; northwest quarter and north half of southwest quarter section 31; northeast quarter; north half and southeast quarter of northwest quarter section 32; northwest quarter; north half of southwest quarter, section 33, 3,700 acres.

In township 33, range 4 east: South half of southeast quarter section 18; northeast quarter and fraction northeast of river in east half of northwest quarter section 19; fraction west of boundary line of reservation, in section 22; west half and southeast quarter of section 35, 1,440 acres.

In township 32, range 4 west: Fraction in west half of northeast quarter of southwest quarter; fraction in northwest quarter of southeast quarter section 1; section 2; south half of section 6; west half and southeast quarter of northeast quarter of section 9, 1,410 acres.

In township 31, range 4 west: South half of northeast quarter; southeast quarter of northwest quarter; northeast quarter of southwest quarter; southeast quarter section 17; northwest quarter section 21, 480 acres. Total, 32,020 acres.

#### ARTICLE II.

It is also stipulated and agreed that the place known as "the boom" on the Clearwater River, near the mouth of Lapwai Creek, shall be excepted from this cession and reserved for the common use of the tribe, with full right of access thereto, and that the tract of land adjoining said boom, now occupied by James Moses, shall be allotted to him in such manner as not to interfere with such right. Also that there shall be reserved from said cession the land described as follows: "Commencing at a point at the margin of Clearwater River, on the south side thereof, which is 300 yards below where the middle thread of Lapwai Creek empties into said river; run thence up the margin of said Clearwater River at low-water mark, 900 yards to a point; run thence south 250 yards to a point; thence southwesterly, in a line to the southeast corner of a stone building, partly finished as a church; thence west 300 yards to a point; thence from said point northerly in a straight line to the point of beginning; and also the adjoining tract of land lying southerly of said tract, on the south end thereof; commencing at the lay corner of said church, and at the point 300 yards west thereof, and run a line from each of said points. One of said lines running on the east side and the other on the west of said Lapwai Creek; along the foothills of each side of said creek; up the same sufficiently far so that a line being drawn east and west to intersect the aforesaid lines shall embrace within its boundaries, together with the first above described tract of land, a sufficient quantity of land as to include and comprise 640 acres;" for which described tracts of land the United States stipulates and agrees to pay to William G. Langford, his heirs or assigns, the sum of \$20,000, upon the execution by said Langford, his heirs or assigns, of a release and relinquishment to the United States of all right, title, interest, or claim, either legal or equitable, in and to said tracts of land, derived by virtue of a quit-claim deed of February 14, 1868, to the said William G. Langford, from Langdon S. Ward, treasurer of the American Board of Commissioners for Foreign Missions, which release and relinquishment shall be satisfactory to the Secretary of the Interior, and it is stipulated and agreed by said Nez Perce Indians that upon the execution and approval of such release and relinquishment the right of occupancy of said Indians in said described tracts shall terminate and cease and the complete title thereto immediately vest in the United States: *Provided*, That any member of the said Nez Perce tribe of Indians entitled to an allotment now occupying and having valuable improvements upon any of said lands not already occupied or improved by the United States may have the same allotted to him in such subdivisions as shall be prescribed and approved by the Secretary of the Interior, in lieu of an equal quantity of agricultural land allotted to him elsewhere; and for this purpose shall relinquish any patent that may have been issued to him before the title to said "Langford" tracts of land shall vest in the United States, and shall have a new patent issued to him of the form and legal effect prescribed by the fifth section of the act of February 8, 1887 (24 Statutes, 388), covering the new allotment and that portion of the former allotment not surrendered. It is further agreed



that 5 acres of said tract, upon which the Indian Presbyterian Church is located, as long as same shall remain a church, shall be patented to the trustees of said church; that the said 5 acres shall not include improvements made by the United States; the said 5 acres to be selected under the direction of the Commissioner of Indian Affairs.

#### ARTICLE III.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the said Nez Perce Indians the sum of \$1,633,622, of which amount the sum of \$633,222 shall be paid to said Indians per capita as soon as practicable after the ratification of this agreement. The remainder of said sum of \$1,633,222 shall be deposited in the Treasury of the United States to the credit of the "Nez Perce Indians, of Idaho," and shall bear interest at the rate of 5 per cent per annum, which principal and interest shall be paid to said Indians per capita, as follows, to wit: At the expiration of one year from the date of the ratification of this agreement the sum of \$50,000, and semiannually thereafter the sum of \$150,000 with the interest on the unexpended portion of the fund of \$1,000,000 until the entire amount shall have been paid, and no part of the funds to be derived from the cession of lands by this agreement made shall be diverted or withheld from the disposition made by this article on account of any depredation or other act committed by any Nez Perce Indian, prior to the execution of this agreement, but the same shall be actually paid to the Indians in cash, in the manner and at the times as herein stipulated.

#### ARTICLE IV.

It is further stipulated and agreed that the United States will purchase for the use of said Nez Perce Indians two portable steam saw mills, at a cost not exceeding \$10,000, and will provide for said Indians, for a period not exceeding two years, and at a cost not exceeding \$3,400, a competent surveyor, for the purpose of fully informing said Indians as to the correct locations of their allotments and the corners and lines thereof.

#### ARTICLE V.

It is further stipulated and agreed that the lands by this agreement ceded shall not be opened for public settlement until trust patents for the allotted lands shall have been duly issued and recorded, and the first payment shall have been made to said Indians.

#### ARTICLE VI.

It is further stipulated and agreed that any religious society or other organization now occupying under proper authority, for religious or educational work among the Indians, any of the lands ceded, shall have the right for two years from the date of the ratification of this agreement, within which to purchase the land so occupied, at the rate of \$3 per acre, the same to be conveyed to such society or organization by patent, in the usual form.

#### ARTICLE VII.

It is further stipulated and agreed that all allotments made to members of the tribe who have died since the same were made, or may die before the ratification of this agreement, shall be confirmed, and trust patents issued in the names of such allottees, respectively.

#### ARTICLE VIII.

It is further stipulated and agreed that the first per capita payment, provided for in Article VIII of this agreement, shall be made to those members of the Nez Perce tribe whose names appear on the schedule of allotments made by Special Agent Fletcher, and to such as may be born to them before the ratification of this agreement: *Provided*, That should it be found that any member of the tribe has been omitted from said schedule, such member shall share in the said payment and shall be given an allotment and each subsequent payment shall be made to those who receive the preceding payment and those born thereafter: *Provided*, That not more than one payment shall be made on account of a deceased member.

#### ARTICLE IX.

It is further agreed that the lands by this agreement ceded, those retained, and those allotted to the said Nez Perce Indians shall be subject, for a period of twenty-five years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Nez Perce Indian allottees, whether under the care of an Indian agent or not, shall, for a like period, be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

#### ARTICLE X.

Representation having been made by the Indians in council that several members of the Nez Perce tribe, to the number of about fifty, as per list hereto attached, served the United States under Gen. O. O. Howard, in the late war with Joseph's band of said tribe, as scouts, couriers, and messengers, and that they have received no pay therefor; it is agreed that the United States, through its properly constituted authority, will carefully examine each of the cases herewith presented, and make such remuneration to each of said claimants as shall, upon such examination, be found to be due, not exceeding the sum of \$2.50 per day each, for the time actually engaged in such service; it being understood and agreed that the time of service of said claimants in no case exceeded sixty days. And it also having been made to appear that Abraham Brooks, a member of the Nez Perce tribe of Indians, was engaged in the service of the United States in the late war with Joseph's band of Nez Perces, and it also appearing that the said Abraham Brooks was wounded in said service, and that by reason thereof, he is now in failing health, and has been for several years; that he is now nearly blind in consequence thereof; it is agreed that an investigation of all the facts in the case shall be made by the proper authorities of the United States, as early as practicable, and that if found substantially as herein represented, or if found worthy under the law in such cases provided, he shall be allowed and paid by the United States a pension adequate to the service and disability.

#### ARTICLE XI.

The existing provisions of all former treaties with said Nez Perce Indians not inconsistent with the provisions of this agreement are hereby continued in full force and effect.

#### ARTICLE XII.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

In witness whereof the said Robert Schleicher, James F. Allen, and Cyrus Beede, on the part of the United States, and the principal men and other male adults of the Nez Perce tribe of Indians have hereunto set their hands. Concluded at the Nez Perce Agency, this 1st day of May, A. D. 1893.

ROBERT SCHLEICHER,  
JAMES F. ALLEN,  
CYRUS BEEDE.

A. B. LAWYER, and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

That for the purpose of carrying the provisions of this act into effect there

is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,633,622, of which amount the sum of \$1,000,000 shall be placed to the credit of "the Nez Perce Indians of Idaho" in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum. Said sum of \$1,633,622, together with the interest on said sum of \$1,000,000, shall be paid to said Indians, or expended for their benefit, as provided in Articles II, III, IV, and VIII of said agreement; "out of which sum the Secretary of the Interior shall pay to the heirs, administrator, or legal representatives of William G. Langford, deceased, the sum of \$30,000, upon a release and relinquishment to the United States by said heirs, administrator, or legal representatives of all right, title, interest, or claim, either legal or equitable, in and to the tract of land described in article 2 of said agreement as therein provided: *Provided*, That none of the money agreed to be paid said Indians, nor any of the interest thereon, shall be, or become, liable to the payment of any judgment or claim for depredations committed by said tribe or any member thereof before the date of said agreement.

That immediately after the issuance and receipt by the Indians of trust patents for the allotted lands, as provided for in said agreement, the lands so ceded, sold, relinquished, and conveyed to the United States shall be opened to settlement by proclamation of the President, and shall be subject to disposal only under the homestead, town-site, stone and timber, and mining laws of the United States, excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That each settler on said lands shall, before making final proof and receiving a certificate of entry, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of \$3.75 per acre for agricultural lands, one-half of which shall be paid within three years from the date of original entry; and the sum of \$5 per acre for stone, timber, and mineral lands, subject to the regulations prescribed by existing laws; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged except as to the sum to be paid as aforesaid.

That the Commissioner of Indian Affairs be, and he hereby is, authorized to employ a competent surveyor for a period not exceeding two years, at a compensation not exceeding \$1,200 per annum, for the purposes stipulated in Article IV of said agreement, and he is also authorized to purchase two portable sawmills, as provided in Article IV.

That the Secretary of the Interior is hereby authorized to examine the claim of those Indians who served the United States under Gen. O. O. Howard in the late war with Joseph's band of said tribe as scouts, couriers, and messengers, referred to in Article X of said agreement, and also as to the claim of Abraham Brooks, mentioned in said article, and report his findings and recommendations to Congress.

The amendment was agreed to.

The next amendment was, on page 128, after line 3, to insert:

#### AGREEMENT WITH THE YUMA INDIANS IN CALIFORNIA.

SEC. 16. Whereas Washington J. Houston, John A. Gorman, and Peter R. Brady, duly appointed commissioners on the part of the United States, did on the 4th day of December, 1893, conclude an agreement with the principal men and other male adults of the Yuma Indians in the State of California, which said agreement is as follows:

Articles of agreement made and entered into this 4th day of December, A. D. 1893, at Fort Yuma, on what is known as the Yuma Indian Reservation, in the county of San Diego, State of California, by Washington J. Houston, John A. Gorman, and Peter R. Brady, commissioners on the part of the United States appointed for the purpose, and the Yuma Indians.

#### ARTICLE I.

The said Yuma Indians, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following-described tract of country in San Diego County, Cal., established by executive order of January 9, 1884, which describes its boundaries as follows:

Beginning at a point in the middle of the channel of the Colorado River, due east of the meander corner to sections 19 and 30, township 15 south, range 24 east, San Bernardino meridian; thence west on the line between sections 19 and 30 to the range line, between townships 23 and 24 east; thence continuing west on the section line to a point which, when surveyed, will be the corner to sections 22, 23, 25, and 27, in township 15 south, range 21 east; thence south on the line between sections 23 and 27, in township 15 south, range 21 east, and continuing south on the section lines to the intersection of the international boundary, being the corner to fractional sections 34 and 35, in township 15 south, range 21 east; thence easterly on the international boundary to the middle of the channel of the Colorado River; thence up said river, in the middle of the channel thereof, to the place of beginning, be, and the same is hereby, withdrawn from settlement and sale and set apart as the reservation for the Yuma and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided, however*, That any tract or tracts included within the foregoing-described boundaries to which valid rights have attached under the laws of the United States are hereby excluded out of the reservation hereby made.

It is also hereby ordered that the Fort Yuma military reservation be, and the same is hereby, transferred to the control of the Department of the Interior, to be used for Indian purposes in connection with the Indian reservation established by this order, said military reservation having been abandoned by the War Department for military purposes.

#### ARTICLE II.

Each and every member of said Yuma Indians shall be entitled to select and locate upon said reservation and in adjoining sections 5 acres of land, which shall be allotted to such Indian in severalty. Each member of said band of Indians over the age of 18 years shall be entitled to select his or her land, and the father, or, if he be dead, the mother, shall select the land herein provided for for each of his or her children who may be under the age of 18 years; and if both father and mother of the child under the age of 18 years shall be dead, then the nearest of kin over the age of 18 years shall select and locate his or her land; or if such persons shall be without kindred, as aforesaid, then the Commissioner of Indian Affairs, or someone by him authorized, shall select and locate the land of such child.

#### ARTICLE III.

That the allotments provided for in this agreement shall be made, at the cost of the United States, by a special agent appointed by the Secretary of the Interior for the purpose, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and within sixty days after such special agent shall appear upon said reservation and give notice to the said Indians that he is ready to make such allotments; and if anyone entitled to an allotment hereunder shall fail to make his or her selection within said period of sixty days, then such special agent shall proceed at once to make such selection for such person or persons, which shall have the same effect as if made by the person so entitled; and when all of said allotments are made and approved, then all of the residue of said reservation which may be subject to irrigation, except as hereinafter stated,



shall be disposed of as follows: The Secretary of the Interior shall cause the said lands to be regularly surveyed and to be subdivided into tracts of 10 acres each, and shall cause the said lands to be appraised by a board of three appraisers, composed of an Indian inspector, a special Indian agent, and the agent in charge of the Yuma Indians, who shall appraise said lands, tracts or subdivisions, and each of them, and report their proceedings to the Secretary of the Interior for his action thereon; and when the appraisement has been approved the Secretary of the Interior shall cause the said lands to be sold, at public sale to the highest bidder for cash, at not less than the appraised value thereof, first having given at least sixty days' public notice of the time, place, and terms of sale, immediately prior to such sale, by publication in at least two newspapers of general circulation; and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale at not less than the appraised value.

#### ARTICLE IV.

That the money realized by the sale of the aforesaid lands shall be placed in the Treasury of the United States, to the credit of the said Yuma Indians, and the same, with interest thereof at 5 per cent per annum, shall be at all times subject to appropriation by Congress, or to application, by order of the President, for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians.

#### ARTICLE V.

Upon the approval of the allotments provided for herein by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotments shall have been made, or in case of his or her decease, to his or her heirs or devisees, according to the laws of California, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs or devisees, as aforesaid in fee, discharged of said trust and free of all incumbrance whatsoever.

And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void. And during said period of twenty-five years these allotments and improvements thereon shall not be subject to taxation for any purpose, nor subject to be seized upon any execution or other legal process, and the law of descent and partition in force in California shall apply thereto.

#### ARTICLE VI.

All lands upon said reservation that can not be irrigated are to be open to settlement under the general land laws of the United States.

#### ARTICLE VII.

There shall be excepted from the operation of this agreement a tract of land, including the buildings, situate on the hill on the north side of the Colorado River, formerly Fort Yuma, now used as an Indian school, so long as the same shall be used for religious, educational, and hospital purposes for said Indians, and a further grant of land adjacent to the hill is hereby set aside as a farm for said school; the grant for the school site and the school farm not to exceed in all one-half section, or 320 acres.

#### ARTICLE VIII.

This agreement shall be in force from and after its approval by the Congress of the United States.

In witness whereof we have hereunto set our hands and seal the day and year first above written.

WASHINGTON J. HOUSTON, [SEAL]  
JOHN A. GORMAN, [SEAL]  
PETER R. BRADY, [SEAL]  
Commissioners on the part of the United States.

BELL MOJAVE, and others.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

That for the purpose of making the allotments provided for in said agreement, including the payment and expenses of the necessary special agent hereby authorized to be appointed by the Secretary of the Interior, and for the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, or so much thereof as may be necessary.

That for the purpose of defraying the expenses of the survey and sale of the lands by said agreement relinquished and to be appraised and sold for the benefit of said Indians, the sum of \$3,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the same to be reimbursed to the United States out of the proceeds of the sale of said lands.

That the right of way through the said Yuma Indian Reservation is hereby granted to the Southern Pacific Railroad Company for its line of railroad as at present constructed, of the same width, with the same rights and privileges, and subject to the limitations, restrictions, and conditions as were granted to the said company by the twenty-third section of the act approved March 3, 1871, entitled "An act to incorporate the Texas and Pacific Railroad Company, and to aid in the construction of its road, and for other purposes." *Provided*, That said company shall, within ninety days from the passage of this act, file with the Secretary of the Interior a map of said right of way, together with a relinquishment by said company of its right of way through said reservation as shown by maps of definite location approved January 31, 1878.

The Secretary of the Interior is hereby authorized and directed to cause all the lands ceded by said agreement which may be susceptible of irrigation, after said allotments have been made and approved, and said lands have been surveyed and appraised, and the appraisal approved, to be sold at public sale, by the officers of the land office in the district wherein said lands are situated, to the highest bidder for cash, at not less than the appraised value thereof, after first having given at least sixty days' public notice of the time, place, and terms of sale immediately prior to such sale, by publication in at least two newspapers of general circulation, and any lands or subdivisions remaining unsold may be reoffered for sale at any subsequent time in the same manner, at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary may cause the same to be sold at private sale at not less than the appraised value. The money realized from the sale of said lands, after deducting the expenses of the sale of said lands, and the other money for which provision is made for the reimbursement of the United States, shall be placed in the Treasury of the United States to the credit of said Yuma In-

dians, and shall draw interest at the rate of 5 per cent per annum, and said principal and interest shall be subject to appropriation by Congress, or to application by the President of the United States for the payment of water rents, the building of levees, irrigating ditches and laterals, the purchase of tools, farming implements, and seeds, and for the education and civilization of said Indians: *Provided, however*, That none of said money realized from the sale of said lands, or any of the interest thereon, shall be applied to the payment of any judgment that has been or may hereafter be rendered on claims for damages because of depredations committed by said Indians prior to the date of the agreement herein ratified.

That all of the lands ceded by said agreement which are not susceptible of irrigation shall become a part of the public domain, and shall be opened to settlement and sale by proclamation of the President of the United States, and be subject to disposal under the provisions of the general land laws.

That the Colorado River Irrigating Company, which was granted a right of way for an irrigating canal through the said Yuma Indian Reservation by the act of Congress approved February 15, 1893, shall be required to begin the construction of said canal through said reservation within three years from the date of the passage of this act, otherwise the rights granted by the act aforesaid shall be forfeited.

That the Secretary of the Interior shall have authority from time to time to fix the rate of water rents to be paid by the said Indians for all domestic, agricultural, and irrigation purposes, and in addition thereto each male adult Indian of the Yuma tribe shall be granted water for 1 acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years, to be computed from the date when said irrigation company begins the delivery of water on said reservation.

The amendment was agreed to.

The next amendment was, on page 138, after line 12, to strike out:

SEC. 16. That to pay the expense of purchasing goods and supplies for the Indian Service and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, inspection, and all other expenses connected therewith, including telegraphing, \$35,000.

The amendment was agreed to.

The next amendment was, on page 138, after line 17, to insert as a new section at the end of the bill:

SEC. 17. That the approval of Congress is hereby given to "An act to adopt the negroes of the Chickasaw Nation," etc., passed by the Legislature of the Chickasaw Nation, and approved by the Governor thereof January 10, 1873, particularly set forth in a letter from the Secretary of the Interior transmitting to Congress a copy of the aforesaid act, contained in House Executive Document No. 207, Forty-second Congress, third session.

The amendment was agreed to.

Mr. CALL. I offer an amendment as an additional section to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add as an additional section:

SEC. 18. That the right of commutation is hereby extended to all bona fide homestead settlers on the lands in Oklahoma Territory opened to settlement under the provisions of the act of Congress entitled "An act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894," approved March 3, 1893, and the President's proclamation in pursuance thereof, after fourteen months from the date of settlement upon the full payment for the lands at the prices provided in said act.

And the Secretary of the Treasury is hereby authorized to issue to the Cherokee Nation or to its assigns evidences of indebtedness of the United States of America, bearing interest at the rate of 4 per cent per annum, payable annually on the 4th day of March of each year, in amount of one thousand and ten thousand dollars, respectively, for the respective amounts of the second, third, fourth, and fifth installments, maturing respectively on the 4th day of March, 1896, the 4th day of March, 1897, the 4th day of March, 1898, and the 4th day of March, 1899, and amounting in the aggregate to \$8,640,000, as specified in said act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. COCKRELL. I move that the Senate reconsider the vote by which, as in Committee of the Whole, we agreed to the amendment of the Committee on Appropriations on page 54, line 5, beginning with the word "and" and going to the words "Secretary of the Interior," in line 9.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment reported by the Committee on Appropriations on page 54, line 5, to insert what will be read:

The Secretary read as follows:

And an additional sum of \$3,000, or so much thereof as may be necessary, to reimburse such of the fifteen other settlers whose claims are held for further proof, in such amounts as may be found justly due them by the Secretary of the Interior.

Mr. COCKRELL. I move to amend the amendment by striking out what has been read and inserting in lieu thereof the matter which I send to the desk, furnished us by the Commissioner of Indian Affairs.

The SECRETARY. It is proposed to strike out the committee amendment and insert in lieu thereof:

And the further sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated for the purpose of reimbursing, if found upon further examination to be entitled, such claimants in the list examined by the Secretary of the Interior as were held for further proof, or which were erroneously disallowed because of incorrect descriptions of the lands settled upon, thus making it appear that they were not upon lands affected by the executive order of February 27, 1885.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CALL. I move to reconsider the vote by which the Sen-



ate as in Committee of the Whole agreed to the amendment of the Committee on Appropriations to strike out the proviso beginning in line 25, on page 35, and going to the end of line 6, on page 36.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations. The amendment will be stated.

The SECRETARY. Strike out on page 35, line 25, the following proviso:

*Provided*, That when in pursuance of any treaty an appropriation has been heretofore made to erect schoolhouses for the accommodation of the children of any tribe of Sioux Indians out of any fund belonging to said Indians which appropriation is still in force, the Secretary of the Interior shall proceed as early as practical to erect such school buildings.

The amendment was rejected.

Mr. DUBOIS. I desire to offer an amendment to be inserted on page 50, after the word "dollars" in line 4.

The SECRETARY. After the word "dollars," in line 4, page 50, it is proposed to insert:

The Secretary of the Interior is directed to contract with responsible parties for the construction of irrigating canals and purchase or securing of water supply on the Fort Hall Indian Reservation, in the State of Idaho, for the purpose of irrigating the lands of said reservation: *Provided*, That the expense of constructing said canals and purchase or securing of water supply shall be paid out of moneys belonging to the said Fort Hall Indians now in the Treasury of the United States and subject to the disposal of the Secretary of the Interior for the benefit of said Indians.

Mr. PLATT. Before the amendment of the Senator from Idaho is considered I wish to ask whether all the committee amendments have been offered. I will state very frankly, if I can get the attention of the committee, that I supposed the committee were to offer an amendment on page 69, striking out the proviso at the top of the page and inserting another provision directing the Secretary of the Treasury or the Secretary of the Interior to examine the claim of Mr. Munson referred to there. Does not the committee intend to offer an amendment of that character?

Mr. COCKRELL. That was a very peculiar case. The senior Senator from Colorado [Mr. TELLER], who is now absent from the Chamber, took up the matter, and looked into it very carefully. There were grave doubts as to whether the provision ought not to remain upon the bill, and there were grave doubts as to whether it ought to remain. It was understood that he and I would make an investigation of it, if we could, and submit the result to the full committee. We never had an opportunity of completing the examination.

We reported the bill subject to that modification. Unfortunately he was called away before we had time to confer with him, and I prepared a proposed substitute for it, directing the Secretary of the Interior. The Senator from Colorado thought it ought not to be allowed now without some restrictions upon it. That substitute was never submitted to the full committee, and when there was such controversy over it, I did not feel that I had a right to offer it as a committee amendment. I have furnished the proposed amendment that I drew to the Senator from Connecticut. He has it in his possession. I thought, after reviewing the whole matter, that it was better to do that under all the circumstances. We still kept control of it, and there was still controversy as to what the facts were. In fact we did not have all the facts before us; we never had them, and I do know to this day what all the facts are in the case. I have been told that there are facts on both sides, and I have never seen them in writing or in any other way.

Mr. PLATT. I supposed it had been agreed upon as a committee amendment, but if that is not the case I will offer it at the proper time.

Mr. DUBOIS. I will state to the committee and also to the Senate, that when I sent up my amendment I presumed that all the committee amendments which were going to be offered had been presented. In regard to the amendment which I have submitted, I will state that it has the indorsement of the Commissioner of Indian Affairs and also of the Secretary of the Interior. It takes no money out of the Treasury. I understand the committee are willing to accept it. I say to the Senator who has the bill in charge that I understand the committee are willing to accept the amendment.

Mr. CALL. I make no objection to the amendment, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho [Mr. DUBOIS].

The amendment was agreed to.

Mr. PLATT. I move to strike out the proviso on page 69, commencing in line 1, and ending in line 6, and to insert in lieu thereof what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the following proviso at the top of page 69:

*Provided*, That the sum of \$9,500 shall be subtracted from the amount to

be paid to the Chickasaw tribe of Indians on account of the interest herein provided for and the Secretary of the Treasury shall pay the said sum of \$9,500 to W. B. Munson of Denison, Tex.

And in lieu thereof to insert:

That the Secretary of the Interior is hereby directed to make a thorough examination of the claim of W. B. Munson, of Denison, Tex., against the Chickasaw tribe of Indians for the amounts named in certain orders or drafts drawn by R. H. Sanders in favor of the First National Bank at Denison, Tex., dated December 10, 1880, and directed to Hon. Robert L. Boyd, auditor, Chickasaw Nation, Indian Territory, and by him accepted June 6, 1881, and to make a full report of the finding of the facts to Congress in December next.

Mr. PLATT. The point that I make with reference to the provision in the bill which I propose to strike out is that Congress has no power or right to take anything from the interest of the Chickasaw trust fund for any purpose whatever; that it is under treaty obligation and statute obligation to pay the interest of that trust fund to the Indians, and it can not divert any portion of it for the purpose of paying any supposed debt which the Chickasaw Nation or any person in the Chickasaw Nation may owe or be supposed to owe.

I shall not go into what is claimed with reference to this debt. The provision of the bill seems to count upon the fact that the Chickasaw Nation owes W. B. Munson, of Denison, Tex., \$9,500. That is disputed by the nation. For the purposes of this amendment I do not care very much whether the nation owes the debt or not. The United States has no right to take the money out of this trust fund.

We have had a little experience with this trust fund. We went a good many years ago upon a supposed right, and paid out a part of the principal. After the lapse of thirty or forty years they went into the Court of Claims and obtained the decision of the Court of Claims that we had no right to do it, and we had to refund \$240,000, and there is now a bill pending here to pay them \$560,000 as interest. The Chickasaw trust fund is derived from some land which they ceded to the United States and for which the United States agreed to pay them. In the treaty of 1832 there was the following clause:

#### ARTICLE II.

The Chickasaw Nation have determined to create a perpetual fund for the use of the nation forever, out of the proceeds of the country now ceded away. And for that purpose they propose to invest a large proportion of the money arising from the sale of the land in some safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone. It is therefore proposed by the Chickasaws, and agreed to, that the sum to be laid out in stocks, as above mentioned, shall be left with the Government of the United States until it can be laid out under the direction of the President of the United States, by and with the advice and consent of the Senate, in such safe and valuable stock as he may approve of, for the use and benefit of the Chickasaw Nation.

Then, in 1834, there was the following clause in the treaty:

The funds thence resulting, after the necessary expenses of surveying and selling, and other advances which may be made, are repaid to the United States, shall, from time to time be invested in some secure stocks, redeemable within a period of not more than twenty years; and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws.

Then we had the statute of January 9, 1837. It is now section 2096 of the Revised Statutes:

The Secretary of the Interior shall invest, in a manner which shall be in his judgment most safe and beneficial for the fund, all moneys that may be received under the treaties containing stipulations for the payment, to the Indians annually, of interest upon the proceeds of the lands ceded by them, and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than 5 per cent per annum.

Then in the treaty of 1852 there is the following clause:

The Chickasaws are desirous that the whole amount of their national fund shall remain with the United States in trust for the benefit of their people, and that the same shall on no account be diminished. It is therefore agreed that the United States shall continue to hold said fund in trust, as aforesaid, and shall constantly keep the same invested in safe and profitable stocks, the interest upon which shall be annually paid to the Chickasaw Nation. (10 Stat., 975.)

In three treaties and by one statute we are bound to pay this interest to the Chickasaw Nation, and by the decision of our Supreme Court we are just as much bound to keep our obligations with the Indians as we would be to keep our obligations with Great Britain.

Mr. HIGGINS. We ought to do it without the decision of the court.

Mr. PLATT. We ought to do it without the decision of the court. We might just as well attempt to divert a portion of a fund which we held for the benefit of Great Britain or a portion of its interest and pay it to somebody who said he had a just claim against Great Britain as to take it away from this trust fund or the interest of the trust fund and pay it out to some one who claims that he has a debt against the Chickasaw Nation. A man deals with the Chickasaw Nation as he deals with the United States. We are simply trustees of the United States to hold that property and to pay the interest arising from the invested fund to the Chickasaw Nation.

If, according to the terms of the bill, we were to pay this money to Mr. Munson (even if he had a judgment against the Chickasaw Nation), without the consent of the Chickasaw Na-



tion, if the Chickasaw Nation could get into the Court of Claims it could bring suit for and recover it against the United States.

As was said by the Senator from Missouri, the facts here are in dispute. If they were not in dispute, if they were conceded, we would have no right against the protest of the Chickasaw Nation to pay out its interest money upon the trust fund which we hold to cancel a debt which a man has against the Chickasaw Nation. But the facts are in dispute, and therefore I have proposed, in lieu of the proviso which I propose to strike out, a provision directing the Secretary of the Interior to examine this claim and report a finding of the facts to Congress.

I doubt very much whether the United States ought to interfere even to that extent. If we pay this claim it is an admission of the fact that whenever any person has a claim against any one of the Indian nations which the Indian Nation refuses to pay and we have any funds belonging to it in our hands, he may come to Congress and get payment out of the funds which we have.

Mr. President, I do not think that I need say any more about this claim. I have a large number of papers, affidavits, and protests from the Chickasaw Nation declaring that they do not owe it, that the debt of Mr. Munson is against an individual and not against the Chickasaw Nation, if he has any debt at all. But I do not wish to detain the Senate by going into the disputed facts with reference to whether this is a just claim against the Chickasaw Nation. What I say is that the United States has no right under the treaty and under the law to divert any portion of the interest of this trust fund for any such purpose, and if it does it will have to restore it out of its own Treasury to the Chickasaw Nation.

Mr. COKE. Mr. President, the House of Representatives, after an elaborate investigation of this matter, passed an appropriation in behalf of Mr. Munson, in these words:

*Provided*, That the sum of \$9,500 shall be subtracted from the amount to be paid to the Chickasaw tribe of Indians on account of the interest herein provided for and the Secretary of the Treasury shall pay the said sum of \$9,500 to W. B. Munson, of Denison, Tex.

Now, who received the benefit of this money? The Chickasaw Indians. They received every dollar of it. They received it from a bank with which they were accustomed to transact the business of the nation. They received it on a draft drawn on their auditor and accepted by him. They received it on papers approved at the time by the governor of the Chickasaw Nation, William B. Overton. I propose that the Senate shall hear a plain, lucid statement of the transaction given by Mr. Perry, who was at one time president of the Denison bank. I ask that the Secretary read it.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

THE STATE OF TEXAS, Grayson County:

Personally appeared before the undersigned authority, Edward Perry, who, after being by me sworn in conformity to law, on his oath says: That he was, from 1873 to 1888, the executive officer of the First National Bank of Denison, Tex. That during a part of said time the officials of the Chickasaw Nation of Indians transacted the greater part of their financial business through the said bank. That R. H. Sanders, a citizen of the United States, had a contract from the said Chickasaw Nation to supply and conduct a large school in the said nation, known as the Lebanon Academy; that this contract run for five years, the said Sanders being paid by said nation under said contract about \$12,000 per annum as the contract price for supplying and conducting said academy. That about one year before the expiration of this contract the said academy was destroyed by fire, at which time the said nation was indebted on said contract to said Sanders in the sum of \$5,500.

The said Sanders, being anxious to have the said academy rebuilt, and to obtain a new contract with the said nation for another term of five years, proposed to the authorities of the said nation that if the said authorities would rebuild the said academy and give him a new contract to supply and conduct same for another term of five years, at or about the same consideration as the old contract, that he, Sanders, would contribute to the construction of the new building the said sum of \$5,500. This proposition was accepted by the said authorities as made; the said building was erected, the contract made with said Sanders as stipulated, and to the personal knowledge of affiant the said Sanders did contribute and pay to the said Chickasaw authorities the said sum of \$5,500, and the said fund was used by the said authorities in the construction of said building.

The said Sanders entered upon his new contract; had to furnish and equip the said academy, and in so doing and to conduct and maintain same had to use large sums of money, which he in part obtained by loans from said bank. That the usual course of business in the transactions of the said bank and the said Chickasaw authorities, so far as the same related to the said Sanders, was for the said Sanders to draw through the said bank on the auditor of the said Chickasaw Nation against the sums due the said Sanders by the Chickasaw Nation under said contract; then when such drafts were accepted by the said auditor the said bank would make advances on such acceptances to the said Sanders on account. That on the 10th day of December, 1880, the said Sanders drew three certain drafts on Robert L. Boyd, the then auditor of the said Chickasaw Nation, for the sum of \$4,640; two of these drafts were for \$2,000 each, and one for \$640, which said drafts were regularly and in due course of business accepted by the said Boyd as auditor of the said nation, and was then by the said Sanders turned over to the said bank on account. That these transactions were in conformity to a method adopted by the said bank and the said Chickasaw Nation at the advice and with knowledge and consent of the governor and officials thereof.

Transactions involving large sums of money had for some time previously

been handled in this way, and heretofore all such drafts had been regularly paid. That upon demand for the payment of said three drafts, the officials of the said nation requested time, saying they were not ready to pay them then. The sum of \$240 was however paid on the six hundred and forty dollar draft, leaving a balance due on this one of \$400, at the same time this draft was retained by the said Boyd, he saying that he would need it for a voucher for the amount he paid on same. That subsequently, and about eighteen months after the making of the new contract between the said Sanders and the said Chickasaw Nation, as aforesaid, and after the payment of the \$240 also, as aforesaid, on the said draft for \$640, divers personal disputes, quarrels, differences, controversies, and difficulties, grew up between the said Sanders and B. F. Overton, the then governor of the Chickasaw Nation, who was a high-handed, violent, and arbitrary man; in consequence of these various disputes and difficulties between the said Overton and the said Sanders, the said Sanders being in great bodily danger, and to preserve his life fled from the said Chickasaw Nation; that his life was threatened, and his residence in the said Chickasaw Nation, where his wife and children then were was fired into in the night time by a body of armed men, the furniture in said house being riddled with bullets from gun and pistol shots.

That as a further consequence of these disputes and differences, the said Overton, by his high-handed and arbitrary threats and action, at and against the said Sanders, made the life of the said Sanders in the said Chickasaw Nation so unsafe that he dared not return thereto, and that he was compelled to remain away, having every reason to believe, and this affiant does believe, that his life would have been taken if he had remained in the said nation; thus making it impossible for the said Sanders to complete his said contract, the effect of which was to deprive him of the benefits and profits arising out of his said contract. That the said authorities of the said nation then refused to pay the said sum of \$4,400, the balance due on the said drafts, and have failed and refused to pay the same or any part thereof ever since, and yet so refuse. That affiant, as the executive officer of said bank, endeavored in every way to secure the payment thereof, and failing in this, then requested and urged the said authorities of the said nation to refund and pay to the said bank for the said Sanders, to secure the payment of the said drafts, the \$5,500 contributed by the said Sanders to the said authorities to aid in the construction of the said academy, claiming and charging to the said authorities that the said Sanders had been ruined financially by his expulsion from the said nation, as aforesaid, and their refusal to allow him to fulfill and complete his said contract.

Affiant charges that the said Sanders was so made absolutely insolvent and has ever since remained so, and that in consequence thereof it has been impossible for the said bank to recover from him the money due on said drafts.

Affiant further says that the said three drafts, excepting the \$240 paid, as aforesaid, are now due and payable to W. B. Munson, of Denison, Tex., who is the ex-president of the said First National Bank, and became so in the following manner: When some years ago the said Munson, desiring to retire from the banking business, and having arranged for a sale of the said bank, these drafts having become a suspended debt, the purchasers refused to accept them as assets, whereupon the same were written off to the said Munson. That copies of the two of the said drafts, for \$2,000 each, are hereto appended, marked Exhibits A and B, and together with the endorsements thereon are made a part hereof. That the said draft for \$640 is not in the possession of the said Munson, but was, and affiant supposes is yet, in possession of the Chickasaw Nation, and therefore a copy can not be furnished, the said authorities of the said nation refusing to either pay or return the said draft to the said bank.

EDWARD PERRY.

Sworn to and subscribed before me this 28th day of June, A. D. 1892.  
[SEAL.] J. R. HANDY,

Notary Public, Grayson County, Tex.

Mr. COKE. I hold in my hand the original drafts upon the auditor of the Chickasaw Nation, duly indorsed and accepted by him. I will state that the evidence shows that the money which was thus drawn for had been already earned by Sanders in teaching the Indian children and carrying on the Lebanon school.

This is a statement of the facts of this case. The amount called for in this bill is the amount of these drafts with the interest at 8 per cent according to the laws of Texas when drawn.

This is a statement of the condition of the transaction. Since 1880, which I believe was the date of the transaction, Mr. Munson has tried in every possible way to get some sort of settlement. He has been endeavoring to get a settlement there and a settlement here in Washington. He has utterly failed to get any settlement whatever with those people. Then this state of case is presented. Here is a man who was contracted with by the Chickasaw authorities, by the governor and the other authorities. Here are drafts drawn in accordance with that contract and accepted by those authorities; and they are unpaid, and refusal is absolutely made to pay them.

It is said that the fund out of which payment is sought is a trust fund. Of course any fund is a trust fund in the hands of any party belonging to another. The interest on the securities that belong to the Chickasaw Indians was to be paid to the Indians themselves. We can not sue the Indian tribe. There is no legal remedy against them. The only remedy that exists at all is to apply to the Government of the United States, who are the trustees of these Indians, and who hold money to be paid into the hands of the Indians whose government contracted with Sanders, the payee of the drafts, and whose children have been benefited by the contract. That is all there is about the case.

Mr. President, it does seem to me that the Government ought to compel these Indians to do the honest thing in their dealings with the white people of this country. The Government is the guardian of the Indians. The Indians are permitted to contract in a certain mode. They did contract with Sanders, the assignor of Munson. Sanders did comply with his contract until his life was endangered, and he was run out of the Territory. The officers of the Chickasaw government admitted that the



drafts were properly drawn by accepting them as drafts which must be paid as soon as they get money into the treasury. This is all I have to say at this time about it.

Mr. JONES of Arkansas. Mr. President, this claim is disputed by the Chickasaws. The claimant is a man, I understand, of fine character, a business man, and the president of a bank. He claims that this money has been due him for a number of years. It is positively denied by the Chickasaw Nation that it is due, and I think it would be an improper thing for the Senate of the United States to undertake to settle a litigated question in this way between a claimant and an Indian nation.

Mr. COKE. I have here in my hand the drafts drawn on and accepted by the auditor of the Chickasaw Nation. Are there any receipts against these drafts?

Mr. PLATT. Will the Senator from Arkansas allow me?

Mr. JONES of Arkansas. Certainly.

Mr. PLATT. This claim is thirteen years old.

Mr. JONES of Arkansas. Fourteen years.

Mr. PLATT. The Chickasaw Nation have had money in that bank during all that period, and the bank has not attempted to take this debt out, and Mr. Munson is the president of the bank.

Mr. JONES of Arkansas. It is stated in the affidavits of the officers of the Chickasaw Nation that this claim has never been presented to the nation. It has been presented again and again by attorneys about the time the Indian appropriation bill was to be passed.

I have personally inspected the claim, which was placed in my hands by the attorney representing the claimant, and after looking into it carefully, I stated to him I could see no justice in undertaking to put in an appropriation bill a provision for its payment. There is no bill pending here and never has been any petition or bill presented asking Congress to pass a law authorizing this man to bring suit anywhere. He simply waits until an appropriation bill is about to be passed, and comes in and undertakes to have the item put on an appropriation bill in spite of the positive denial of the debt by the officers of the Chickasaw Nation, sworn to by the whole of them.

Mr. COKE. If the Senator will allow me, I wish to ask him how long has this claim been in Washington?

Mr. JONES of Arkansas. I think it has been here two or three years according to my recollection. It has been brought to my attention a number of times.

Mr. COKE. Several years?

Mr. JONES of Arkansas. Perhaps it has been. I know it has been presented to me several times by the attorney representing the claim, and I was satisfied that it was not proper for Congress to undertake to pay it. It may be that the claim is due to this man; it may be that it is a just debt of the Chickasaw Nation; but, if so, it ought to be ascertained and determined by some court, and not determined by the Senate of the United States upon an appropriation bill. That is not fair; it is not reasonable.

Mr. COKE. Will the Senator state to what court the question can be taken?

Mr. JONES of Arkansas. I do not care what court. I am perfectly willing for it to go to the United States court in the Indian Territory, or I am perfectly willing that the Secretary of the Interior shall investigate the case, as proposed by the amendment of the Senator from Connecticut.

Mr. COKE. I will ask the Senator whether there is any court that could take jurisdiction of this question, whether he is willing to have it determined by a court or not?

Mr. JONES of Arkansas. I am perfectly willing to vote for a bill, as soon as this bill is passed, providing that the claim shall be investigated as proposed by the Senator from Connecticut. I am willing to have any fair, careful, thorough investigation of this claim that can be suggested; but the Senate has not the time to investigate it now.

I have here copies of the papers involved in the case. Here are pages upon pages of affidavits, which I have not had time to read and which other Senators have not had time to read.

I understand the fact to be that this money was loaned to a man by the name of Sanders under circumstances which have been stated to me by both sides, and I believe I understand the truth of the case. If there ever was a case which would justify the establishment of a court to investigate and determine it this is the sort of case that ought to be determined by a court, and not determined anywhere else.

I shall not detain the Senate by arguing as to the impropriety of diverting a trust fund in the custody of the United States to the payment of this claim, however just it may be. We have no such authority, we have no such right; and just at this particular time it would be a most unfortunate thing for us to treat the Chickasaw Nation in this way. We have a commission down in the Indian Territory undertaking to make arrange-

ments with those people by which their lands may be settled and by which they may become citizens of the United States, and it seems to me it is not a very wise step, and it is not a very wise thing for us to inflame the Chickasaws against the Government of the United States, and against the commission we have there now by this high-handed and outrageous proceeding in taking a part of their money and diverting it to the payment of even a just debt.

If this is a just debt to Mr. Munson, the president of a national bank, he is a man of high character, a man of high intelligence, who understands how to take care of his rights, and if the courts are open let him sue. If there are no courts in which suit can be brought, I am willing to vote for the passage of a bill which will allow him to sue in a United States court anywhere, but I am not willing to have the claim settled here in this offhand way without examination, and I enter my protest against it.

Mr. HIGGINS. Even if the money sought to be diverted to the payment of this alleged debt were not a trust fund, I think it simply an extraordinary proceeding to attempt in this manner to garnish the United States for the payment of this claim.

As every lawyer knows the Government is not subject to being sued in that way, is not subject to garnishment. You can not stop the pay of any officer of the Government, even though he may be indebted to some individual; and if you could not do it in that case, surely you should not in this, even if it were an absolutely just debt which had been reduced to a judgment.

But the proposition is not less extraordinary that the Senate is asked to resolve itself into a court, and as a court and jury to determine whether or not the Chickasaw Nation owes Mr. Munson \$9,500. We are to leave the vast and exacting business of the United States to determine this issue. That is an extraordinary proposition. But if we were to go on and vote on this claim we should absolutely pass a verdict upon the case and have the money paid without hearing the evidence.

Affidavits have been introduced, something is put in here on one side, and allegations are made on the other; but is that any way for a court or a tribunal to determine the right between man and man? Yet we are asked to do that. But beyond and above all, is the fact that we are asked to divert funds on which there is created a solemn trust for the payment of the wards of this nation. I hope that they do not stand in this august tribunal any weaker because of their weakness, that their strength would be any greater if, as *cestui que trusts*, we had here the most powerful nation on earth. We are asked, holding this money in our hands for their use, to pay it to some one else. It is not for this Senate or this Congress to turn itself into a court for the determination of private suits between individuals because one of the parties happens to have trust money owing to it from the United States.

Mr. COKE. Mr. President, I desire it understood that this is not an amendment of the committee. This bill was reported to the Senate unchallenged with this provision in it for paying this man. The statement of the Senator from Missouri [Mr. COCKRELL] has been made that he had certain reservations in his mind in regard to it; but the bill was reported here favorably without any impeachment of this provision, which was solemnly placed in the bill by the House of Representatives, providing for the payment of this money.

This question was investigated in the House of Representatives, and it comes here with the indorsement of that body. I stand here and show to the Senate a written acceptance of these drafts by the officers of the Chickasaw Nation, and the interest at 8 per cent makes up the amount of the proposed payment. There has been no impeachment of it; no man has said that the debt has been paid.

Mr. PLATT. There has been no impeachment of it except that there was no authority to make any such acceptance. I think that was enough.

Mr. COKE. We had before us the evidence that this bank at Denison advanced money as high as \$50,000 at a time to the Chickasaw Nation and that these drafts were given in the usual and ordinary course of business. It was an honest transaction on the part of Mr. Munson and the bank. The Chickasaw Nation have his money. It went to the education of the Chickasaw children and to the maintenance of the Lebanon school. They have never paid it, and the House of Representatives have sent us a provision in this bill providing for its payment. We are remediless without the adoption of this provision.

The Senator from Arkansas talks about helping us to pass a bill to get the claim into court. We know what that amounts to. We are without a remedy. There is no court to which the claimant could go. The claimant dealt with the Chickasaw government. It is true that this Government is the trustee of the Chickasaws for the money that is proposed to be disposed of here, but it is to be paid to the individual Indians or to the nation, not to be invested in stocks, and no direction is given



as to its disposition, except that it is to be paid to the Indians. This proceeding is in the nature of a garnishment against the Chickasaw Nation.

Mr. PLATT. Is this a payment of interest to the Indians?

Mr. COKE. The interest is to be paid to the Indians.

Mr. PLATT. "The interest upon which shall be paid annually to the Chickasaw Nation."

Mr. COKE. It is to the Chickasaw Nation, then?

Mr. PLATT. Is this payment to the Chickasaw Nation?

Mr. COKE. That puts it still closer. Here is a debt of the Chickasaw Nation, a debt which we have no court to go into to collect, and a debt for which they have stood the claimant off for about thirteen years.

Mr. PALMER. Will the Senator from Texas allow me to ask him a single question?

Mr. COKE. Certainly.

Mr. PALMER. I ask the Senator upon what pretext does the Chickasaw Nation refuse to pay it?

Mr. COKE. They just simply do not pay it.

Mr. JONES of Arkansas. They say absolutely that they do not owe it.

Mr. COKE. Where does the Senator get that?

Mr. JONES of Arkansas. From the affidavits of the officers of the Chickasaw Nation.

Mr. COKE. Here is their draft for money advanced on the faith of what the governor and the auditor of the Chickasaw Nation said to the bank in the due course of business. Besides there had been a part payment made upon the drafts.

Mr. JONES of Arkansas. Will the Senator let me see that draft?

Mr. COKE. Yes; here it is (handing a paper to Mr. JONES of Arkansas). Two hundred and forty dollars was paid on the drafts. They seem to have been short of money, and the Denison bank has had to advance them a great deal of money; and yet we are told that the bank is without any remedy.

The question is whether or not these Indian nations are amenable to any law, whether they are to be permitted to obtain money from citizens of the United States without any remedy, when the United States holds money in its hands which is due to them? I have known repeated instances since I have been a member of the Senate when the Government of the United States has paid claims against Indians out of moneys due them—trust funds—perhaps not against these Indians, but against some Indian tribes. It has been a very common thing to do. The attempt to put this provision upon this appropriation bill has been suggested by the practice of the Government heretofore.

Mr. President, the transaction was an honest one. There is no man in the State of Texas who stands higher than W. B. Munson. I have his affidavit here, in which he makes a plain statement of the transaction. He says the money is due and unpaid. He was the president of that bank once. He ceased to be its president for a time, but is now again its president; and he comes here and asks, when he is without remedy elsewhere, that when the United States Government is about to pay over a large amount of money to the Chickasaw Nation, they pay this sum to him in liquidation and adjustment of an honest debt.

Mr. JONES of Arkansas. I wish to read to the Senate the paper which the Senator from Texas talks about, and I should like to have the Senate consider just what it is and what it says. It reads:

FIRST NATIONAL BANK, Denison, Tex., December 10, 1890.

Please deliver to the First National Bank of Denison, or order, out of my pay due me after 1st February, 1891, a split warrant for \$2,000.

R. H. SAUNDERS.

To Hon. ROBERT L. BOYD,

Auditor of the Chickasaw Nation, Ind. T.

On the back of that is written:

Accepted January 6, 1891.

ROBT. L. BOYD, Auditor.

It is a plain matter of fact, well known to everybody, that this auditor had no right to accept any draft of this kind on money that was not due, and to bind the Chickasaw Nation. If he undertook to do so he could not bind it. He could only discharge his proper duties in the line of the law.

The other papers are in exactly the same condition. This is an order from a man by the name of Saunders. I have no doubt Mr. Munson tells the truth when he says this money is due; but it is due from Saunders. I have no doubt that is true; but that it is due from the Chickasaw Nation is, to my mind, exceedingly doubtful, and the Senate ought not to assume that if he had had the money he had the right to appropriate it for this purpose. It ought not to assume to pay a doubtful debt of this kind without the Chickasaws having a hearing.

Mr. HIGGINS. I call the attention of the Senator to the fact that Munson was not the payee of these drafts.

Mr. JONES of Arkansas. Not at all.

Mr. HIGGINS. The drafts were dishonored, and in the affidavit that was read at the desk, which was presented by the

Senator from Texas, it was stated that they were written off to Munson afterwards. He simply stands here, therefore, as the holder of paper dishonored as a security, and has no higher equity than the payee himself.

Mr. JONES of Arkansas. Let me call attention to one other fact in connection with this case, that Saunders failed to perform his contracts with the Chickasaw Nation. He was held to have violated every claim he had on the Chickasaw Nation, and he was dishonorably dismissed from the service, and among the papers is a statement from Saunders himself that every dollar the Chickasaw Nation owed him had been paid. This money was to be paid out of the money due Saunders after a certain date in the future. Saunders was discharged, and the Chickasaw Nation owed him nothing. There is no obligation in the spirit or letter of the contract that this money should be paid, but if there were, this auditor had no right by his act to undertake to bind the Chickasaw Nation, and the Senate can not undertake to establish any such precedent as that an officer can do any such unauthorized and unwarranted thing.

Mr. BLANCHARD. If the Senator will allow me, in his remarks preceding those just delivered, he stated that the courts were open to Mr. Munson to establish his claim in an action at law.

Mr. JONES of Arkansas. I do not know that I said that.

Mr. BLANCHARD. I understood the Senator to say that. I was going to say that the Senator from Texas [Mr. COKE] denies that there is any remedy in court; and upon that point I should like to hear the Senator.

Mr. JONES of Arkansas. I said a while ago if the courts were open, my impression was that Mr. Munson would have the right to bring the suit. He certainly has availed himself, as I understand, of his right to sue Saunders, but he has got nothing out of it. Whether he has the right to sue the Chickasaw Nation is another thing.

I am perfectly willing to support the amendment suggested by the Senator from Connecticut [Mr. PLATT], that this question shall be investigated by the Secretary of the Interior and the facts reported by him to Congress; I am perfectly willing to incorporate in this bill a provision giving jurisdiction to the United States courts anywhere down in that country, where it would be proper and regular to have a suit brought. But what I contend is that in a litigated case like this, one which I submit, so far as it has been investigated, seems to be in favor of the Chickasaw Nation and against the validity or legality of this claim, against its justice and against its fairness, that it is not right for us to settle it here without any investigation and without knowing all the facts.

Mr. COKE. I have just one more word to say, and that is that so far as the offer of the Senator from Arkansas to create a court is concerned, in which this claim can be tried, the Senator is not able to deliver the goods, not able to fulfill his promise. The claimant is without any remedy in the world, the bank is out of this money, and must get it this way or never get it at all. That is all there is about it.

I call attention again to the fact that this is a transaction with an officer of the Chickasaw Government, made with the consent of the governor of the Nation. It is a draft drawn upon him and accepted by him.

Mr. JONES of Arkansas. There is nothing in that paper except the auditor's statement. There is nothing about the governor.

Mr. COKE. So far as that is concerned, does any man imagine that a good, honest, sensible man like Mr. Munson, the president of a bank, was going to put out this much money on a draft of an auditor without the consent of the governor, especially when he swears that it was in the course of a very large business that he was doing with the Chickasaw Nation?

I think the Chickasaw Nation can bind themselves as well as any other government; I think the Chickasaw Nation can be estopped as well as any other government; I think the Chickasaw Nation can be made liable on its promises as well as other governments, if you can get it into a place where the nation has money that can be reached; and here is the only place that I know of.

Mr. ALLISON. Only a word on this question. It is true that the Committee on Appropriations reported this bill and without changing the text as it came from the House of Representatives. The Senator from Missouri [Mr. COCKRELL] states truly that it was to be further investigated by those having the bill specially in charge. It so happened that I looked into it in connection with the Senator from Missouri after the bill was reported, and I made up my mind that, to say the least, there is a dispute as to whether this is a debt of the Chickasaw Nation. Mr. Munson and the bank which he represents advanced this money fourteen years ago, and this is the first we have heard about this claim in this Chamber.



Mr. COKE. I called the attention of the Senator from Arkansas to the fact, and he admitted it to have been here in Washington for several years.

Mr. ALLISON. Very likely; but that does not change the point I make respecting it. The amendment proposed by the Senator from Connecticut submits this question to an investigation by the Secretary of the Interior, one of our own officers, and the chief officer having in charge the great questions relating to Indian tribes.

It seems to me that where a dispute of this kind is to be settled, and where there is a doubt as to whether this claim is due or is not due, Mr. Munson ought to be willing to allow the claim to be fully investigated.

If I remember the amendment as I heard it read at the desk, it is proposed that the Secretary of the Interior shall make report at the next session of Congress. So, if Mr. Munson has a just claim that we are bound to take care of, it is a difference of three or four or five months. After the statement made by the Senator from Arkansas, and after the investigation I made, reading every paper that I could find in connection with this case, I must say that I made up my mind that it is a doubtful claim, and therefore I assented—because the Senator from Missouri showed his amendment to me at the time of its preparation—for myself to agree that this claim should be investigated by the Secretary of the Interior, who is a responsible officer of this Government, and who is at the head of the Department having the care of the Indian tribes.

Why should we take this money from the Chickasaw Nation now, without investigation, when we have by this amendment proposed an investigation and report within four or five months?

Mr. COKE. I simply desire to say, in reply to the Senator from Iowa, that Mr. Munson has been pursuing this claim since 1880; and now the proposition is to put it before the Secretary of the Interior; and nobody knows when the report will ever be made and how much additional delay will be involved. The debt has already doubled by interest at 8 per cent, and nobody knows when a report will be had, and whether the report will amount to anything when it is had. I suppose the claimant would then have to go to the Court of Claims the same as if no report had been made, and possibly by that time the money of the Chickasaw Indians would have been paid out, and the claimant would be left where he is now, without money and without any recourse upon anyone. The proposition is to postpone indefinitely the collection of an honest debt already delayed twelve years.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. COKE. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. CULLOM (when his name was called). I am usually paired with the Senator from Delaware [Mr. GRAY], but a while ago I agreed to pair with the Senator from Maryland [Mr. GORMAN] on this question. If he were present I should vote in favor of the amendment.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. HARRIS (when his name was called). I am paired with the senior Senator from Ohio [Mr. SHERMAN]. Not knowing how he would vote, I withhold my vote.

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PALMER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. HANSBROUGH]. I do not know how he would vote, and I therefore withhold my vote.

Mr. POWER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. CAFFERY], and withhold my vote.

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I have a general pair with the Senator from Alabama [Mr. MORGAN]. I transfer my pair to the Senator from Nevada [Mr. JONES], and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I announce my pair with the junior Senator from Texas [Mr. MILLS]. If I were at liberty to vote, I should vote "yea."

Mr. BLANCHARD (after having voted in the negative). I

am paired with the senior Senator from Michigan [Mr. McMILLAN]. In his absence I desire to withdraw my vote.

Mr. GORDON. I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. BLACKBURN. I am paired with the Senator from Nebraska [Mr. MANDERSON], and therefore withhold my vote.

Mr. GORDON. I will vote to make a quorum. I vote "yea."

Mr. DAVIS. In order to make a quorum I will vote. I vote "nay."

Mr. GALLINGER. I transfer my pair with the junior Senator from Texas [Mr. MILLS] to the Senator from Rhode Island [Mr. ALDRICH], and I will vote. I vote "yea."

Mr. HARRIS. Notwithstanding my pair with the Senator from Ohio [Mr. SHERMAN], in order to make a quorum I ask that my vote be recorded. I vote "nay."

Mr. CAREY. I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. I transfer my pair to the senior Senator from Nevada [Mr. JONES] and vote "yea."

Mr. SMITH. Has the junior Senator from Idaho [Mr. DUBOIS] voted?

The PRESIDING OFFICER. The Senator from Idaho has not voted.

Mr. SMITH. I withhold my vote, being paired with that Senator.

The result was announced—yeas 23, nays 15; as follows:

#### YEAS—23.

Allen,	Gibson,	Jones, Ark.	Proctor,
Allison,	Gordon,	Lindsay,	Roach,
Brice,	Gray,	Mitchell, Oregon	Shoup,
Carey,	Hawley,	Patton,	Turpie,
Cockrell,	Higgins,	Peffer,	Vilas,
Faulkner,	Hunton,	Perkins,	Walsh,
Gallinger,	Jarvis,	Platt,	White.

#### NAYS—15.

Bate,	Davis,	Kyle,	Stewart,
Call,	George,	Pasco,	Vest,
Coke,	Harris,	Quay,	Washburn.
Daniel,	Hill,	Ransom,	

#### NOT VOTING—42.

Aldrich,	Dolph,	McMillan,	Power,
Berry,	Dubois,	McPherson,	Pugh,
Blackburn,	Frye,	Manderson,	Sherman,
Blanchard,	Gorman,	Martin,	Smith,
Butler,	Hale,	Mills,	Squire,
Caffery,	Hansbrough,	Mitchell, Wis.	Teller,
Camden,	Hoar,	Morgan,	Voorhees,
Cameron,	Irby,	Morrill,	Wilson,
Chandler,	Jones, Nev.	Murphy,	Wolcott.
Cullom,	Lodge,	Palmer,	
Dixon,	McLaurin,	Pettigrew,	

So the amendment was agreed to.

Mr. POWER. I wish to offer an amendment. On page 8, line 3, I move to strike out "twenty-five" and insert "forty-four," and in line 14, after "dollars," to insert "\$19,000 to be used for Fort Shaw Reservation and Indian Industrial School, Montana."

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 8, line 13, strike out "twenty-five" and insert "forty-four," and in line 14, after "dollars," insert "\$19,000 to be used for Fort Shaw Reservation and Indian Industrial School, Montana."

So as to make the clause read:

For buildings and repair of buildings at agencies, \$44,000, \$19,000 to be used for Fort Shaw Reservation and Indian Industrial School, Montana.

Mr. POWER. The amount asked for in the amendment is estimated for by the Department. I wish to have read a letter from the Commissioner of Indian Affairs requesting that the amount be added to the appropriation bill.

The PRESIDING OFFICER. The Secretary will read as requested.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, July 12, 1894.

SIR: Referring to the letter dated March 31, 1894, from the honorable acting Secretary of the Treasury to the Speaker of the House of Representatives, transmitting for the consideration of Congress an estimate of appropriation submitted by the Department of the Interior for the support of the Indian school at Fort Shaw, Montana, for the current fiscal year, and aggregating in amount \$62,500 (see Ex. Doc. 178, Fifty-third Congress, second session), I have the honor to invite your special attention, and to ask favorable consideration of the following items which are embraced in the estimate referred to, viz:

Repairs of buildings.....	\$12,000
Fences, farm implements, seed, etc.....	2,000
Irrigation ditches, laterals, etc.....	5,000

The improvements contemplated being made with these sums are very material and urgently necessary for the proper conduct and maintenance of this school, and I strongly recommend that they be incorporated in the Indian appropriation bill now under consideration by your committee.

Very respectfully,

D. M. BROWNING,  
Commissioner

HON. FRANCIS M. COCKRELL,  
United States Senate.



Mr. POWER. The chairman of the committee, I believe, is satisfied that the amendment shall be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. POWER].

The amendment was agreed to.

Mr. VILAS. I wish to offer an amendment to be inserted on page 66, after line 17.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 66, after line 17, it is proposed to insert:

For education and support of one hundred and fifty Indian pupils at St. Joseph's Indian Industrial School, Keshena, Wis., at \$125 each per annum, \$18,750.

Mr. VILAS. Mr. President, the amendment I submit has been favorably reported by the Committee on Indian Affairs. It has been approved and is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs, and I believe it will have no opposition from the Committee on Appropriations. I shall, therefore, content myself by simply remarking in respect to it that this school has been established a long time, and has been conducted in a manner very satisfactory to the Department. It has been supported largely by contributions. The price at which pupils are to be maintained is much less than the average current price paid. The school has for a long time maintained a considerable number of Indian pupils in addition to the number which it is now proposed by the amendment to award to it.

I ask leave to insert in the RECORD a letter of the superintendent of the school, a letter of the Secretary of the Interior, and a letter of the Commissioner of Indian Affairs in respect to the amendment, and with these, unless there be more reason for discussing it, I shall submit the question for the determination of the Senate:

KESHENA, WIS., March 20, 1894.

SIR: Inclosed please find copy of an amendment to the Indian appropriation bill, which I respectfully submit, together with the following:

Ten years ago we started at this place and have uninterruptedly carried on till the present day an Industrial Boarding School for the training of Indian children. Our labors have been hard and tiresome, frequently in very discouraging circumstances, but they have been crowned with success, and I do not hesitate to pronounce our school one of the best in the Indian service. This can be proven by the reports of inspectors, special agents, supervisors, and other officials, all on file in the Interior Department. At the Indian educational exhibit at the World's Fair at Chicago we received an award and diploma of honor for our exhibit, testimony for which will be kindly presented by Mr. J. A. Gorman, of Washington.

Our buildings, all of which have been erected at our own expense and for the sole use of the Indians, have ample accommodation for 170 pupils; our average attendance has been and is upwards of 160, and the enrollment about 190 pupils. Notwithstanding this number our school receives contract compensation for only 130 pupils at \$108 per capita.

Of course, ever since the establishment of this school we have been obliged to add to what we received from the Government large contributions of our own in order to maintain the school and make it what it is now, and even if we succeed in securing what we now ask for, viz, an increase of funds from the Department, we will be obliged yet to supplement it with our own funds. What we request is much less than is paid for nearly all the other schools specially appropriated for, as will be seen by referring to the appropriation bill.

Every cent received by us is spent for the benefit of the Indians. I can assure you that a much higher purpose than mere money-making actuates us in our work for the Indian's welfare. The seeking of personal profits was barred off beforehand by our solemn promises rendered ere our foot was set upon the field given in our charge. Now that our people here have advanced so far on the road to civilization and Christianity we will not abandon it, but strive to secure every means for its further and better development and final perfection.

I am confident that the Department, if asked, will substantiate all I have said in regard to the school, and I respectfully request that when the Indian appropriation bill comes before the Senate you may aid us in placing the amendment for our school where it belongs among the other portions of the bill.

Very respectfully, yours,

REV. ODORIC DERENTHAL.

Hon. W. F. VILAS,  
United States Senator, Washington, D. C.

DEPARTMENT OF THE INTERIOR, Washington, March 30, 1894.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, and accompanying letter from Rev. Odoric Derenthal, in regard to an appropriation to maintain the Indian industrial school at Keshena, Wis. (Green Bay Agency).

In response thereto, you are respectfully advised that this school is now conducted under a contract approved by the Department for 130 pupils at \$108 per annum per pupil, and is paid from the general appropriation for support of schools.

The accompanying report of the Commissioner of Indian Affairs, dated 29th instant, to whom the matter was referred, contains the statement that the St. Joseph school is a most excellent school, and that the number of Indian pupils cared for and educated is greatly in excess of the number provided for by the contract, and that it is worthy of all the aid the Department can give it in regard to increasing its per capita allowance and granting the number of pupils asked for.

In view of these facts, I have to recommend that an appropriation be made to maintain this school as requested.

The papers accompanying your communication are herewith returned.

Very respectfully,

HOKE SMITH, Secretary.

Hon. WILLIAM F. VILAS, United States Senate.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 29, 1894.

SIR: I have the honor to acknowledge receipt, by your reference, of the letter of Rev. Odoric Derenthal, superintendent of St. Joseph's Industrial Boarding School, Keshena, Wis., addressed to Hon. WILLIAM F. VILAS, United States Senator, dated March 20, 1894, submitting an amendment to the Indian appropriation bill, with a history of the school, requesting my report thereon.

In reply, I have the honor to state that from reports of inspectors, special agents, and supervisors, recorded in this office, the St. Joseph's school is a most excellent Indian school.

The quarterly attendance reports show that the number of Indian pupils cared for and educated at this school is greatly in excess of the number provided for by the Government.

In my opinion, St. Joseph's school is doing very good work for the Indians, and it is worthy of all the aid the Department can give it in regard to increasing its per capita allowance and granting the number of pupils asked for.

I concur in the statement set forth in the letter of Superintendent Derenthal, and respectfully request your favorable consideration of his request. The letter of Rev. Odoric Derenthal and its inclosures are herewith returned.

Very respectfully,

D. M. BROWNING, Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

Mr. COCKRELL. The Committee on Appropriations made no recommendation as to this matter because it determined not to add any new schools to the list of schools. The price in the other schools provided for in the bill is \$167, and the price fixed in the amendment of the Senator from Wisconsin is \$125.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

The amendment was agreed to.

Mr. MANDERSON. On page 53, line 14, I move to strike out "five hundred" and insert "nine hundred and ninety-five;" so as to read:

One thousand nine hundred and ninety-five dollars.

I have called the attention of those in charge of the bill to the proposed change. A bill appropriating \$1,995 to pay John Palmier for buildings and improvements at Pine Ridge Agency passed the Senate early in the session. There is no question of the right of Mr. Palmier to recover from the Government the value of the buildings and improvements. The only question is one of amount. There must have been a blunder made elsewhere as to the amount. The amount that was certified to by the Indian agent, Capt. Brown, was \$1,995. I refer to Report No. 56, made from the Committee on Indian Affairs in this Congress, justifying fully the amendment I have proposed. There certainly should be no opposition to it, and I hope the Senator in charge of the bill will not object to the amendment.

Mr. COCKRELL. I ask the Senator from Nebraska to read the items which make up the \$1,995.

Mr. MANDERSON. The items are as follows:

Frame dwelling house, 1½ stories high, 18 by 26 feet; with addition 14 by 18 feet	\$1,200
Log dwelling house, 18 by 36 feet	100
Log and board stable	75
Log corral, 100 by 75 feet	50
Forty acres of land under cultivation, inclosed with pole and wire fence	160
Fruit trees planted and growing	40
Breaking 40 acres of land at \$3 per acre	120
Digging one well, labor and material	50
Personal labor on farm and buildings	200
Total	1,995

Mr. COCKRELL. Will the Senator again read the last item?

Mr. MANDERSON. The last item is for "personal labor on farm and buildings, \$200."

Mr. COCKRELL. I thought it was \$400.

Mr. MANDERSON. It is \$200, making a total of \$1,995.

Mr. COCKRELL. We left this just as it came from the other House. I have seen the papers the Senator has, but I am under the impression that there are some other reasons why the full amount was not put in. However, the amendment of the Senator from Nebraska may be agreed to and the matter reserved for action in conference.

Mr. MANDERSON. I wish to say simply that Mr. Palmier was upon these premises for twelve years. He is a very exemplary citizen. Capt. Brown, an army officer, who was the Indian agent at Pine Ridge Agency, says:

Returning to Mr. Palmier's claim for \$1,995, I have to say that I consider it a reasonable claim. He has a very good house, barn, corrals, and other improvements which, of course, cost him some money and much labor to erect at this point.

There was no question in the minds of the Committee on Indian Affairs but that this is a very low appraisement of the improvements which were lost by reason of the action of the Indian Department under the law referred to. I hope the committee can retain the amendment in the bill.

The PRESIDENT *pro tempore*. The question is on agreeing



to the amendment of the Senator from Nebraska [Mr. MANDESSON].

The amendment was agreed to.

Mr. SQUIRE. I offer an amendment to be inserted after the word "dollars," in line 25, on page 49.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 25, page 49, insert:

That all lands heretofore constituting a part of the Puyallup Indian Reservation situated near the city of Tacoma, in the counties of Pierce and King, State of Washington, now held in severalty by the Puyallup Indians, patents to which have heretofore been issued by the United States to said Indians, said patents containing certain restrictions upon the sale and conveyance of said lands, are hereby declared to be the property and the estate of each of said allottees or their heirs in fee simple, free and clear of each and every restriction as to the sale, conveyance, or other disposition of the same heretofore imposed by the Government of the United States: *Provided, however*, That no sale of said lands shall be valid until the parties shall appear before the United States district judge in the district in which said lands are situated, and thereupon submit to him all the terms and conditions of such proposed sale for his approval, and if approved by such judge, he shall indorse his approval on the contract or other instrument evidencing such sale; thereupon such sale may be executed and completed in accordance with the terms and conditions so approved by said judge: *Provided further*, That the purchase price agreed upon, and as before mentioned, approved by said judge, shall be secured and paid as follows, namely, one-third of the purchase price shall be paid at the date of the final execution of said sale to said allottee, and the other two-thirds shall be secured by eight promissory notes of equal amount, each bearing interest at the rate of 4 per cent per annum, and payable, respectively, in one, two, three, four, five, six, seven, and eight years from the date thereof. Said promissory notes and each of them shall be secured by a first mortgage and lien upon the lands sold, and neither said notes nor said mortgage shall be assignable or transferable to any person whomsoever, but shall remain the sole property of said allottee and his heirs until the indebtedness of said purchaser is fully discharged in accordance with all of the terms and conditions herein.

Mr. SQUIRE. Mr. President, the question as to what ought to be done with what is known as the Puyallup Indian Reservation is not a new one to the Senate of the United States. It is a question which has engaged the attention of Congress and of the Executive Department of the Government for some years. The people of the State of Washington feel that they ought to be heard again on this subject and now.

It seems to be a simple matter, although it may appear to be complicated when one first looks over the documents which have been submitted upon the subject. But in fact a very simple question when you get right down to the bottom of it. There was a treaty with the Puyallup Indian tribe, which provided that the Territory of Washington, which was afterwards created to be a State, could by law remove the restrictions placed upon the disposal of property held by the Indians in severalty, but such a law to be of full force and effect must have the approval of the Congress of the United States. This was provided in the treaty.

Now, the Legislature of the State of Washington, at its first session, held in 1890, did remove those restrictions. Therefore it was simply left for the approval of Congress to be exercised, and then the Indians would have had just as much right to dispose of their land held in severalty as any person holding land has a right to dispose of his property. Thereupon certain individuals proceeded to make negotiations with the Indians for their lands or a portion of their lands. Those negotiations went on, and certain agreements were entered into.

There was a feeling, however, that there might be in this connection some advantage taken of the Indians. There are in the States of the East people who are busying themselves very honorably and charitably in looking after the interests of the Indians.

Some of these people thought that there was a danger that the Indians might be cheated and defrauded out of the value of their property or a large part of the value, and remonstrances began to pour in. There was a cessation of the negotiation, and efforts were made to prevent the Congress of the United States from approving the act of the State. Thus the matter stands. That condition of affairs has been maintained and exists at this day.

Now, what are the essential facts about the situation? Here is the city of Tacoma, of 40,000 people. The boundaries of the city are immediately adjacent to the Indian reservation. The Indian reservation consisted originally of 18,050 acres, of which 585 (originally 598.81, afterwards reduced on account of the overlapping of some claim which was allowed) belong to and are kept in a separate unallotted portion for cemetery, school, and agency purposes. The remainder, 17,463 acres, was allotted to the Indians. How many allottees were there? Only 166 individual Indians altogether were the patentees.

The total population, counting men, women, and children, numbered about 600.

When this matter came up in the Fifty-first Congress in 1890 there was a great deal of discussion about it, and at that time a commission was sent there. On that commission was a very eminent jurist by the name of Judge Drake, now deceased.

Many of the Senators knew him. The commission went there and made an examination of the property and local conditions and all the circumstances. Their report is here before me, giving a statement in detail of all the facts ascertained, the names of the Indians, and the amount of property held by them in severalty, and every other feature affecting the question. The commission being an able one, its suggestions and report are of value.

Up to the present time the Indians have been unable to make a disposition of their lands, and in consequence they are the sufferers. Of course, you make an appropriation of \$16,000 in the pending bill for the Puyallup and other Indian agencies in that State. You make provision for them on page 48 of the bill, as follows:

For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies and the support and civilization of Indians at Colville and Puyallup agencies, and pay of employes, \$16,000.

But if the Indians had been able to sell their land they would have raised the sum of \$700,000 for only a portion of the land, only about one-half, for the sale of which they had made contracts. That would have given to the adults, of whom there are less than a hundred and fifty, the sum of \$5,000 each. Forty-two of the original patentees had died in 1891. This vast amount of money could have been realized and the United States could have been relieved of expense.

The property would have gone into the hands of white men, who would have improved it, and it would have been taxable property in the State of Washington and in the county in which it is situated. The opportunity which the Indians had of making the sale has gone by for the present. The average value of the land as then arranged to be sold by them was about \$76 an acre, which is a very good price for property encumbered by very heavy forests.

Mr. GRAY. Seventy-six dollars an acre?

Mr. SQUIRE. Seventy-six dollars an acre. That is the average price. Mind you, some of it is low land and unfit for occupancy for residence or home purposes. Some of it is good, rich valley land, which, when cleared, will support people well. Other land included in the reservation is hill land and is suitable mainly for agricultural purposes when improved. Now, when this land is cleared, particularly the valley land, it is highly productive. It has been stated, and I believe it to be true, that 6 or 7 acres of it, if it is well cleared, will support a family. But it costs a great deal of money to clear it. It costs from \$75 to \$150 an acre to clear it for purposes of agriculture. I take these figures from the report of the commission.

Now, see what a position we are in. The Indians can do nothing with this land, practically. There is another commission out there under the law enacted by the Fifty-second Congress in 1893, and while I do not say that the Indians are quarreling with the commission, they do not like the situation. The last commission, to which I now refer, is invested with certain powers and functions as to the selection and sale of the land. But the Indian owners decline to sell under present conditions. These are not savage Indians. They are intelligent people. They have their schools. More than half of the men, women, and children can read and write. They appear in the same garb as we do; they go to political conventions, and vote for Representative in Congress. These people understand the methods of doing business. They serve on juries, and perform all the other duties of American citizenship.

I have been amongst them year after year. I have visited them. I know some of them personally, and that they are some of them highly intelligent people. They have had the benefit of schools for many years. They have one of the best conducted agencies now under the Government. The agent, Mr. Eells, is an exceptionally excellent one, who has been there for a great many years.

I will state what we wish to have done. We desire to have these Indians empowered to sell their lands under some suitable and adequate provision for their protection, for they are the wards of the nation still. We think the best plan to be adopted is to allow the judge of the United States district court to pass upon the question of the equity of the contract—the reasonableness of it. We think that he, being on the ground and knowing these men personally, having been brought up in a city only 30 or 40 miles distant from them, having known many of them for years, and knowing all the conditions, is better able to judge than anybody else.

We wish to have Congress allow the Indians to have the benefit of their property. Time is rolling by, and they are getting no usufruct from the vast body of lands uncultivated. They are cultivating altogether about 1,800 or 1,900 acres out of the 18,000. The Indians are not hard workers, and they can not do the clearing without financial assistance. They can not improve their own property unless they have the money with which to



do it, and they can not raise the money because they can not sell the land, and they can not even lease it.

I go now to the other feature of the question. The Congress of the United States by law permits the Indians to dispose of their lands after a certain period, eight years of which yet remain. Eight years from now they can dispose of their lands without any act of authorization by the Congress, and without any restrictions. They are probably as well fitted for business now as they will be then.

Now, why keep them waiting all this time? This is in their behalf. This bill is for their benefit. But aside from that it seems to me the white people of that State have some rights in the premises, I mean without injustice to the Indians. Here is this very important city for the Pacific coast, one of our largest cities of that region, that is bounded on one side by this Indian reservation, which contains the very best land in that vicinity. The land in the valley of the Puyallup is very rich and fertile, and it is most injurious to the interests of the city and county that this grapple hand be held on their throats. It is not right. It is not fair to those people, and it is in their interest in large part that I plead before the Senate to-day.

Mr. GRAY. What can they get for their land now?

Mr. SQUIRE. I suppose the original contracts can not be enforced under the law. The Representative in Congress from that district, Mr. DOOLITTLE, informs me that the Indian owners can probably get from \$125 to \$150 an acre for land uncleared. It may seem strange that we can get such prices for land. It is because—

Mr. GRAY. Because of the timber on the land?

Mr. SQUIRE. Not because of the timber, but because of its contiguity to the city of Tacoma and its fertility.

Mr. GRAY. What is the matter with the farmers out in that part of the country if they can get \$150 an acre for land?

Mr. SQUIRE. The trouble in this case is that the Indians are not free to sell the lands they desire to sell. These Indians have exceptionally good lands. I may say to the Senator from Delaware that it is very fertile. I mean, of course, the best of the valley land.

Mr. GRAY. I am very glad to hear it.

Mr. SQUIRE. They can not sell their land. It happens that owing to its contiguity to the city of Tacoma there is a double value: first, its fertility, and, secondly, its proximity to the city and all the inducements that go toward the sale of suburban property.

Mr. BLANCHARD. Will the Senator from Washington permit me to ask him a question?

Mr. SQUIRE. Certainly.

Mr. BLANCHARD. Do these Indians ask for this to be done?

Mr. SQUIRE. They do. Mr. DOOLITTLE, the Representative in Congress who lives in Tacoma, assures me positively that they do.

Mr. BLANCHARD. How did they take action signifying their desire?

Mr. SQUIRE. They held public meetings, and they have communicated their wishes from time to time to those who represent them here. I submit that there is no necessity for any entanglement about this matter. It is simply a question of allowing a highly competent tribunal located there, the United States district bench, now occupied by a judge who has exceptional qualities of intellect, heart, fairness, and candor, a man who has the confidence of the Indians, to supervise and approve contracts of sale, and this is what they want done.

Now, why should we keep them back? Why not allow those Indians to dispose of their lands under the supervision of the United States judge, who deals with all great questions of admiralty and all other great interests there in that State. Is there any good reason for objection? Is it necessary that there should be kept hovering over them a commission consisting of persons sent from some distant States of the Union and paid at the expense of the people of the United States, a sort of permanent fixture over those Indians, a surveillance that is distasteful to them?

I believe, Mr. President, that the good sense of the Senate will manifest itself in the passage of this amendment. I see no good reason against it. The money ought to be paid there and kept there, and those people ought to be free from this bondage.

Mr. VILAS. Mr. President, I regret exceedingly to feel obliged to say a few words in respect to the pending amendment. The Senator from Washington is a Senator whom we not only all respect but very much admire and regard, and it is unpleasant for me to interpose a word of objection to anything whatever which he desires. But it happened to be my duty, in serving upon the Committee on Indian Affairs in the Senate, to make a careful inquiry into the facts touching the Puyallup Indian Reservation, and it was imposed upon me by that commit-

tee to stand in opposition to a somewhat similar proposal by the former colleague of the Senator from Washington [Mr. Allen]. I do not myself feel at liberty to permit this amendment to be considered without briefly advising the Senate what I understand to be the situation in respect to the Puyallup Reservation.

The Senator from Washington has correctly stated the fact, that it is a rich and valuable tract of land, hugging closely to the city of Tacoma, so nearly adjacent to it as that the city itself is now almost upon it. Some of that land is worth a thousand dollars an acre, I suppose.

Mr. SQUIRE. May I correct the Senator from Wisconsin? I do so with great reluctance, as I respect him very highly.

Mr. VILAS. I would be very glad to be corrected.

Mr. SQUIRE. I think there was such an estimate made as to one particular tract, and that is the tract now under consideration in the amendment. The tract that is reserved for school purposes was valued at a thousand dollars an acre. That is the only tract, I believe, that was considered of such value, and that was at a time when all property, especially real estate in that vicinity, and in fact all over the country, was at a higher figure than it is to-day.

Mr. VILAS. Whether that estimate is correct or not it certainly is land of very high value. It is true also that it has been allotted so that nearly all of it stands in the name of Indian allottees, some one hundred and sixty odd in number. I suppose there is hardly one of those allottees whose name is not affixed to a contract obtained from him some years ago by some speculator or trader in lands who hoped to acquire the ownership of his allotment so soon as Congress shall remove its protective guardianship over his right of sale.

There lies the rich prize. There are the active speculators ready to seize upon it. It is not strange that the fact is as was stated by the distinguished Senator, that the very first Legislature of the State of Washington which assembled gave its unqualified consent to the unlimited power of alienation by the Indians, and had it not been for the wise and prudent restriction which had been preserved for the benefit of the Indians in the treaty with them that the consent of the Legislature should not be effectual to the end without the consent also of Congress, those contracts would long since have been taken away from the Indians their rich and valuable possessions.

Mr. SQUIRE. May I interrupt the Senator one moment?

Mr. VILAS. With pleasure.

Mr. SQUIRE. I wish to state that the land which was contracted for at that time did not amount to more than about half of the allotted land. I should also state that it is not now believed that those contracts are valid under the conditions of law existing. It is not proposed to enforce those contracts. The proposition is that new contracts may be made, not that the others shall be enforced.

Mr. VILAS. Have not the contracts been made either before the date of the consent of the Legislature or since for substantially all the rich land?

Mr. SQUIRE. I understand, and it is shown in the report which I hold in my hand from the commission, that the contracts cover something over 9,000 acres out of the 18,000 acres.

Mr. VILAS. What is the date of that report?

Mr. SQUIRE. Eighteen hundred and ninety-one is the date.

Mr. VILAS. That is the old contract.

Mr. SQUIRE. There have been no contracts made since that I am aware of, I should say—

Mr. VILAS. I was about to add, after that general statement of the situation, not caring to go with great particularity into details (nor indeed am I able to do so, for it is some time since I have reviewed the facts with care), that when the last appropriation bill was before Congress, in view of all these circumstances Congress took what seems to me to be very wise and proper action. In the act of March 3, 1893, it was provided—

That the President of the United States is hereby authorized immediately after the passage of this act to appoint a commission of three persons, and not more than one of whom shall be a resident of any one State, and it shall be the duty of said commission to select and appraise such portions of the allotted lands as are not required for homes for the Indian allottees; and also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, in the Puyallup Reservation, in the State of Washington. And if the Secretary of the Interior shall approve the selections and appraisements made by said commission, the allotted lands so selected shall be sold for the benefit of the allottees, and the agency tract for the benefit of all the Indians, after due notice, at public auction, at not less than the appraised value, for cash, or one-third cash and the remainder on such time as the Secretary of the Interior may determine, to be secured by vendor's lien on the property sold.

And it was declared to be the duty of that commission, or a majority of them, to superintend the sale of those lands; to ascertain who are the true owners of the allotted lands; to have guardians duly appointed for the minor heirs of any deceased allottees; to make deeds of the lands to the purchasers thereof, subject to the approval of the Secretary of the Interior, which



deeds should operate as a complete conveyance of the land upon the full payment of the purchase money, etc.

Other provisions, which I shall not delay the Senate to listen to, for further care over this matter, were introduced in that act.

Now, Mr. President, that commission was appointed, as I am informed. That commission is in service, discharging the functions. There is the authority which, if exercised as Congress has provided, will clear up in a just and proper manner this difficulty of a dead tract of land lying near the city of Tacoma. It will provide fair terms for the Indians. And, sir, while that provision of law is in process of execution, and while it is apparently abundantly sufficient to secure the great end of the sale of this property with justice to the Indians, it does not seem to me quite right that on this appropriation bill, without any especial care or examination, we should suddenly introduce a new law which removes at once all restriction upon the sale of the property except that it submits it to a judicial officer upon whom Congress has no right to impose the duty and who can only perform it in case he voluntarily accepts an extrajudicial function without compensation.

Mr. PLATT. Will the Senator from Wisconsin allow me a moment?

Mr. VILAS. With pleasure.

Mr. PLATT. Does not the proposed amendment provide for the sale of all the land of the Indians?

Mr. VILAS. The Senator from Connecticut is correct. The amendment provides—

Mr. PLATT. If the Senator will permit me further. I will state that any bill which has been introduced before, until the action of Congress at the last session in appointing a commission, has always reserved from sale what is within these black lines on the map [indicating], which is about half of the premises. The provision last year was that the lands which the allottees did not need for homes were to be sold. Now, the pending amendment provides for selling everything, as I understand it.

Mr. VILAS. I was about to call attention to the fact—

Mr. PLATT. In this report we have a full account of the allotment of every Indian, stating what might be sold and what is homestead and what might not be sold. It seems that matter is entirely disregarded by the pending amendment.

Mr. SQUIRE. I would like to make a statement, with the indulgence of the Senator on the floor.

Mr. VILAS. Certainly.

Mr. SQUIRE. I learn that the Department of the Interior is very well satisfied to remove all restrictions so far as relates to sale of the quantity of land. I think the Department would be quite willing to remove restrictions altogether with one exception possibly. I do not know that it would object to this amendment, but I think it may be true that the Department would prefer to retain the supervision itself. But I suggested in my remarks that a judge of such a character as we have there, a judge living there, familiar with the Indians, understanding them, and a man of their choice, they admiring him, they approving him, desiring that he shall be the one to pass upon the conditions which may be fair toward them, would be preferable to any officer of the Interior Department.

We all know how busy the Departments are here and the Bureaus under them; how difficult it is to pay special attention to such subjects as this, of which the conditions are in distant regions of our country and depending almost altogether upon representations made by agents of the Department, upon which the Department may act. Therefore it is believed that the Indians desire that this United States district judge shall be the one to pass upon the propriety of these contracts as to their interests. They desire this man to be substituted for a commission or even the head of the Department in deciding whether these contracts are conscionable or not.

I beg pardon for speaking just one word more simply to say that I learn it is a fact to-day that the commission there has accomplished nothing in the direction of selecting land which may be sold with the approval of the Indians.

Mr. PLATT. Why not?

Mr. SQUIRE. Because the Indians do not desire to have people act for them in selecting land. They say they know their business. They know what they want to sell just as well as the white man does, and they probably do. They know whether they want to part with a piece of property or not; they know what it is worth; and you can depend upon them to secure all they can get for it.

It seems to me now that it is understood the Department has shown its willingness to have all other restrictions removed, that is, so far as relates to the quantity of land to be sold—to be merely a question who shall supervise and approve the sales, and we consult the Indians themselves when they ask that

this notable man, this correct, upright judge, who has done so well for the bench there, shall be their father—if I may use that term in this connection—to approve or disapprove of the transaction, and they ask that their will be granted in this respect.

Mr. VILAS. Mr. President, I am not disposed at all to question the statement of the distinguished Senator from Washington, but we have no other evidence than the general statement that these Indians are so desirous of having this judge perform the duty. We have no evidence that the judge is willing to assume that duty. If we impose that duty upon him we have no sort of control over him. It would be an entire extrajudicial duty, which he could assume only voluntarily. Congress can not impose upon a judge of the Federal court the duty of supervising contracts of sale with Indians.

Mr. President, I only wish to observe (and I wish to do so as gently and with as little urgency as the facts will permit) that this amendment coming in now seems extraordinary after the provision made last year which is in process of execution. It almost leads one to suspect, what I am sure has never entered the mind of the Senator from Washington, that some of those people out there interested in securing these lands have found the commission to be executing its duties with too much advantage to the Indians, with too much care in their supervision.

Let me observe further, as was suggested by the Senator from Connecticut, that the amendment proposes not only to obliterate the cautionary guardianship of the United States, save and except as it imposes that duty upon a judge when there is no right to put it there and when he may repudiate it, but it also proposes to sell all of these allotted lands, notwithstanding the very act now under execution, in care for the Indians, directed the commission first to save for them what was necessary for their homes, and notwithstanding every proposal heretofore made, the one which we successfully resisted in the last Congress, when urged by the distinguished colleague of the Senator from Washington, has limited and set apart a certain portion of this reservation as not to be sold, while this sweeps in the whole thing.

Mr. SQUIRE. The Senator does not mean that it sweeps in the whole thing. He does not mean that it sweeps in anything beyond the allotted land.

Mr. VILAS. I was just about to add, if the Senator will permit me, that with the act of last year it takes every acre and makes every acre subject to sale.

Mr. SQUIRE. Five hundred and eighty-five acres are reserved, unallotted.

Mr. VILAS. I must withdraw that general expression. It reserves the burying ground, and so much as shall be held necessary for school purposes.

Mr. SQUIRE. Five hundred and eighty-five acres, which is probably the most valuable. That is, I believe, according to the appraisal under the supervision of the commissioners. It is valued at a thousand dollars an acre, because this can be made town property and be divided into lots. It is perhaps all, or nearly all, cleared. It is adjoining the village of Puyallup, as I remember, and is convenient to churches, schoolhouses, residences, and streets.

Mr. VILAS. The act provides that it shall be the duty of the commission to select not only such parts of the allotted land as are not required for homes for the Indian allottees, but also that part of the agency tract, exclusive of the burying ground, not needed for school purposes, and expose it all for sale.

Mr. MITCHELL of Oregon. Will the Senator from Wisconsin allow me? Does the Senator understand that under the provision of law of last year the allotted lands can be sold without the consent of the Indians?

Mr. VILAS. Perhaps not, but I will not undertake to affirm absolutely that I am correct in that statement.

Mr. MITCHELL of Oregon. The truth of the matter is, I think, that the whole business is a dead letter on the statute book. I suggest to the Senator from Wisconsin that if the act contemplates selling the allotted lands on which those Indians hold patents from the United States without their consent, then I take it the Senator will agree with me that that is something Congress can not do. If upon the other hand, it contemplates securing their consent, then I suggest that the Indians never have consented and never will consent to the disposal of their lands in that way. Consequently in any event the statute is a dead letter. There is nothing being done, and nothing has been done except the surveying of land. There has not been a sale.

Mr. VILAS. It may be that nothing has yet been done in the way of effecting sales, and perhaps a reason for it may be discovered in this amendment, which seeks to put the entire disposition of the lands in the Indians themselves, subject only to an approval of their contract by a judge.

Mr. MITCHELL of Oregon. The Senator from Wisconsin is



familiar with Indian Affairs. Does he not believe that the interests of the Indians would be protected under the provisions of this amendment if it became a law? Are their interests not safe, when every contract that they make for the sale of the lands, that they have made in the past or may make in the future, must be submitted to the judge of the United States district court, a man residing there in the State, a man of integrity, a man holding a high judicial position? When the contracts, with all their terms as to amount per acre and everything of that kind, must be submitted to him, does not the Senator believe that their interests are to be protected?

Mr. VILAS. Mr. President, I am not here to affirm anything against the integrity, high character, the great ability, the power and the benevolence of the judge of that court, but I am entirely satisfied with the commission which has been created for the purpose of giving their personal and careful attention to the disposition of these lands, and with the approval of the Secretary of the Interior thrown over as a further safeguard I very much prefer it, I am bound to say, to the scheme proposed in the amendment. I suspect this amendment.

Mr. President, I think I have said all that is necessary to bring the situation concerning this matter to the attention of the Senate. I have already said that it is with the very greatest reluctance, as a personal matter, that I have said what I felt it my duty to say both as respects the genial, affable, and lovable Senator from Washington [Mr. SQUIRE] and the Representative in another place of the same State, who was formerly a citizen of my own State, and for whom I have a personal regard. I should like to ask whether this amendment has been considered by the Committee on Indian Affairs and whether it has been reported by the Committee on Indian Affairs?

Mr. SQUIRE. In answer to the Senator, I will say that I thank him for his kind words. I appreciate them coming from him, and I appreciate his careful consideration of this question.

The Senator asks, has this amendment been reported from the Committee on Indian Affairs? I would state to the Senator that the condition of business in the Senate has been such that the committees, as he well knows, have not ordinarily been holding their customary sessions as committees, and there has been no lack of desire on my part or on the part of the Representatives in the House from the State of Washington to present this matter to the Committee on Indian Affairs. We have endeavored to do so over and over again, but have not been able to secure the necessary attention. Therefore it is not our fault. The amendment was duly referred to the Committee on Indian Affairs long since, and they have had an opportunity to consider it.

Mr. VILAS. Is the amendment acceptable to the Committee on Appropriations?

Mr. SQUIRE. We hope so. We hope the committee thinks favorably of it.

Mr. COCKRELL. I have been trying for sometime to say what the Committee on Appropriations think of the amendment. We are profoundly astonished that this matter is pressed upon the Senate. The distinguished Senator from Iowa [Mr. ALLISON] and I gave the subject the most elaborate, careful, and painstaking consideration for the express purpose of reporting it favorably, if it was within the bounds of decency and self-respect for the committee to do it; and we notified the friends of the measure that it could not be done, that we could not sustain it; and I am sorry that it has been pressed upon us, for I did not want to say what I have felt compelled to say here on the subject.

I sympathize with the representatives of the State of Washington in regard to this matter. I appreciate the condition they are in, and so do the Committee on Appropriations; but I called upon the distinguished Senator from Iowa, in the absence of the Senator from Colorado [Mr. TELLER] to confer with me in regard to certain matters which might come up on this bill; and we gave the subject the utmost care and attention.

How could we come in here and report favorably upon this amendment when it is the purest kind of legislation? How could we come in here and report the amendment in the face of the opposition of the Commissioner of Indian Affairs and of the Secretary of the Interior? How could we come in and report it in the face of the fact that only about March, 1893, we passed a bill providing for the sale of all these lands, appointed a commission, and that commission is there now negotiating with the Indians for the sale of the lands, and the Commissioner of Indian Affairs tells us that the commission is making progress. The Committee on Appropriations could not maintain their self-respect and come in and report favorably upon this amendment.

Mr. SQUIRE. I would ask the Senator if it is not the correct statement that this commission is making progress with the school or agency lands, and that it is not making progress with reference to anything else?

Mr. COCKRELL. I do not know that they have. They have not had time to complete their work, but they report that they are making progress in allotting the lands which have not been allotted in severalty, in getting possession of them, and in disposing of them to individuals.

Mr. SQUIRE. Is it not true that the commission has not been successful in its endeavors to conciliate the Indians in respect to the allotted lands?

Mr. COCKRELL. The Commissioner does not so report.

Mr. SQUIRE. And that the Indians do not act in accord with the commission?

Mr. COCKRELL. The Commissioner has not so reported to us.

Mr. SQUIRE. I am informed that no sales have been made, and that the Indians are not satisfied to come under the terms of the law creating the commission.

Mr. MANDERSON. It is very evident that the bill, which affects very great interests, can not be closed to-night. I appeal to the Senator from Missouri to allow it to go over until to-morrow.

Mr. COCKRELL. I had hoped that we could dispose of a few more amendments this evening; but under the circumstances I will move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened and (at 6 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 19, 1894, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate July 18, 1894.*

##### COLLECTOR OF CUSTOMS.

George L. Baltzell, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida, to succeed James A. Pine, whose term of office has expired by limitation.

##### PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Assistant Engineer Alfred Hoyt, of New York, to be chief engineer in the Revenue-Cutter Service, in place of John J. Roberts, deceased.

Second Assistant Engineer William Robinson, of Pennsylvania, to be first assistant engineer in the Revenue-Cutter Service, to succeed Alfred Hoyt, promoted.

##### PROMOTIONS IN THE NAVY.

Passed Assistant Engineer Albert F. Dixon, to be a chief engineer in the Navy, from July 13, 1894, vice Chief Engineer Alexander Henderson, retired.

Assistant Engineer Albert Moritz, to be a passed assistant engineer in the Navy, from July 13, 1894, vice Passed Assistant Engineer A. F. Dixon, promoted.

(Subject to the examination required by law.)

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 18, 1894.*

##### TERRITORIAL ASSOCIATE JUSTICE.

Napoleon B. Loughlin, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico.

##### UNITED STATES ATTORNEY.

Sherwood Dixon, of Illinois, to be attorney of the United States for the northern district of Illinois.

##### MARSHAL.

Clark Campbell, of New Hampshire, to be marshal of the United States for the District of New Hampshire.

##### REGISTER OF THE LAND OFFICE.

Jesse W. Ellis, of Blountsville, Alabama, to be register of the land office at Huntsville, Alabama.

##### COLLECTOR OF CUSTOMS.

Cornelius R. Sleight, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York.

##### SURVEYORS OF CUSTOMS.

John C. McGuire, of New York, to be surveyor of customs in the district of New York, in the State of New York.

G. Frank Bayles, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York.



## APPOINTMENT IN THE MARINE HOSPITAL SERVICE.

Elihu R. Houghton, of New York, to be passed assistant surgeon in the Marine Hospital Service of the United States.

## APPOINTMENT IN THE NAVY.

Charles Poor Kindleberger to be an assistant surgeon in the Navy.

## PROMOTIONS IN THE NAVY.

*Naval cadets (line division) to be ensigns.*

Joseph R. Campbell, George C. Day, Holden A. Evans, Luke McNamee, Frederick L. Sawyer, Charles L. Hussey, John R. Y. Blakely, Charles T. Jewell, Gregory C. Davison, Leon S. Thompson, Frederick A. Traut, John F. Hines, Fred. R. Payne, Powers Symington, Yates Stirling, jr., George Mallison, Joel R. Poinsett Pringle, and Benjamin B. McCormick.

*Naval cadets (engineer division) to be assistant engineers.*

John S. Porter, Robert K. Crank, Stanford E. Moses, and Raymond D. Hasbrouck.

*Naval cadets (line division) to be second lieutenants in the Marine Corps.*

William C. Dawson, Theodore H. Low, Walter Ball, Austin R. Davis, John H. Russell, jr., Charles F. Macklin, and Thomas S. Borden.

## PROMOTION IN THE MARINE CORPS.

Second Lieut. Dion Williams, to be a first lieutenant in the United States Marine Corps.

## POSTMASTERS.

J. T. Sherman, to be postmaster at Newton, in the county of Jasper and State of Iowa.

H. L. Getz, to be postmaster at Marshalltown, in the county of Marshall and State of Iowa.

Parley Davey, to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa.

Charles M. Furlow, jr., to be postmaster at Madison, in the county of Morgan and State of Georgia.

James Carey, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin.

John Winchester, to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois.

Andrew Currie, to be postmaster at Shreveport, in the county of Caddo and State of Louisiana.

Reuben W. Wood, to be postmaster at Tottenville, in the county of Richmond and State of New York.

N. Holmes Odell, to be postmaster at Tarrytown, in the county of Westchester and State of New York.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 18, 1894.

The House met at 12 o'clock m. Prayer by the Rev. J. H. McCarty, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

## USELESS PAPERS, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting, in accordance with the act of Congress approved February 16, 1889, a list of useless papers on file in the War Department; which was referred to the Special Committee to Consider the Question of the Disposition of Useless Papers.

## REFERENCE OF A SENATE BILL.

The SPEAKER also laid before the House the bill (S. 320) to authorize the Purcell Bridge and Transfer Company to construct and maintain a bridge over the South Canadian River, etc.; which was read a first and second time, and referred to the Committee on Interstate and Foreign Commerce.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ADAMS of Kentucky, indefinitely, on account of sickness in his family.

## BRIDGE ACROSS THE MISSOURI.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent to consider the bill (S. 1930) authorizing the construction of a bridge across the Missouri River at or near the city of Lexington, Mo.

The SPEAKER. The bill will be read subject to objection. The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. TARSNEY. There is an amendment reported from the Committee on Interstate and Foreign Commerce.

The amendment was considered and agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. TARSNEY, a motion to reconsider the last vote was laid on the table.

## IMPROVEMENT OF SAUGATUCK HARBOR, MICHIGAN.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution which I send to the desk.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be requested to furnish the House with an estimate of the probable cost of completing the improvement of Saugatuck Harbor, Michigan, under the project of 1887, as modified in 1889, 1870, 1875, and 1882, and the improvements recommended in the report of the Chief of Engineers for the year 1893, Appendix MM.*

Mr. SAYERS. Before consent is given I would like the gentleman to make some explanation of this resolution.

The SPEAKER. The Chair will state that the House passed a House resolution on this subject, but the Secretary of War reported that under the last river and harbor bill no supplemental estimate could be sent in except on action taken by Congress.

Mr. REED. Should not this information be furnished to Congress, if a concurrent resolution is required? This resolution provides that the information shall be furnished to the House.

The SPEAKER. The Chair thinks perhaps it should be so worded.

Mr. REED. I only make the suggestion. Are the estimates furnished to both Houses?

The SPEAKER. Will the gentleman from Michigan please send the letter from the Secretary of War to the desk?

Mr. REED. Probably it makes no difference. But if it requires the action of Congress it would seem that the information should be furnished to Congress.

The SPEAKER. The Clerk will read that portion of the letter from the Chief of Engineers bearing upon this subject.

The Clerk read as follows:

In returning the resolution of the House of Representatives, I beg to say that section 8 of the river and harbor act, approved July 13, 1892, provides "that, after the regular or formal report on any examination, survey, project, or work, under way or proposed, is submitted, no supplemental or additional report or estimate for the same fiscal year shall be made, unless ordered by a resolution of Congress."

The SPEAKER. This is a concurrent resolution for the purpose indicated, and the question is on its passage.

Mr. CATCHINGS. I think it is all right in its present form. There being no objection, the resolution was considered and agreed to.

On motion of Mr. THOMAS, a motion to reconsider the last vote was laid on the table.

## CUSTOMS DISTRICT, HARTFORD, CONN.

Mr. SPERRY. I ask unanimous consent for the present consideration of bill (H. R. 4452) for adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery.

The SPEAKER. The bill will be read, subject to objection. The bill was read at length, as follows:

*Be it enacted, etc., That the act of March 3, 1887, creating the customs district of Hartford, be amended by adding the towns of Manchester and Vernon, in the State of Connecticut, to the towns already named as comprising said district, and that the town of Vernon, city of Rockville, in said State of Connecticut, within said district of Hartford, is hereby constituted a port of delivery within the meaning of said act of March 3, 1887, and the act of which said act of March 3, 1887, is an amendment.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. I would like to ask if this is unanimously reported from any committee?

Mr. SPERRY. I so understand it. The report is at the desk.

Mr. DOCKERY. I ask to have the report read.

The SPEAKER. Without objection, the report will be read. The report (by Mr. PRICE) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4452) adding the towns of Manchester and Vernon, in the State of Connecticut, to the customs district of Hartford, Conn., and making the city of Rockville, Conn., a port of delivery, report the same back without amendment and with the recommendation that the bill do pass.

The purpose of the bill is to add the towns of Manchester and Vernon to the customs district of Hartford, Conn., to make the city of Rockville, Conn., a port of delivery, and to extend to it the privileges of the seventh section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The accompanying letter from the Treasury Department, of December 20, 1893, which is made a part of this report, says there is no objection to the passage of the bill.